

**PARKS, SPORTS & CULTURAL AFFAIRS COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Parks, Sports & Cultural Affairs Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **May 8, 2003**.

MEMBERS PRESENT:

Legislator Ginny Fields - Chairperson
Legislator Jon Cooper - Vice Chairman
Legislator Angie Carpenter
Legislator Brian Foley
Legislator Lynne Nowick
Legislator Cameron Alden

ALSO IN ATTENDANCE:

Paul Sabatino, II - Counsel to the Legislature
Mary Skiber - Aide to Legislator Fields
Ed Hogan - Aide to Legislator Nowick
Alexandra B. Sullivan - Chief Deputy Clerk, Suffolk County Legislature
Judith Gordon - Commissioner of Parks Department
James Kelly - SAFE
Leonard J. Henderson - NRA
John L. Cushman - NRA
Theodore Robinson - Trap and Skeet - 1301
John Toronto - Peconic River Sportsman's Club
Jerry Nichols -Dr. Suff. Cty. Cooperative Library System
Bill Kirchhoff - NYSRPA
Robert F. Baumann - SASI & NYSRPA
Ed Koropsak - Trap and Skeet
Tom Humphrey - Trap and Skeet
Bill Lunt - Trap and Skeet
Bill Raab - Trap and Skeet
James Markey - Trap and Skeet
Michael Martucci - Trap and Skeet
Nicholas Chimienti - Trap and Skeet
Chuck Scharff - Trap and Skeet
Peter Ceponis - Trap and Skeet
Barbara Buscoreno - Huntington Dog Owner
John R. Wehrs - Trap and Skeet
Ginny Munger Icahn - Huntington Dog Owner
Charles Saladino - Huntington Dog Owner
Edward F. Howell - Trap and Skeet
Ronald Powell - Trap and Skeet
William Mills - NRA - SAFE
Walter Meyer - Levittown Rod & Gun Club
Jeannette Murphy - Little Red School House
Georgia Lheron - Little Red School House

Richard Valeut - - Trap and Skeet
Ray Behinelli - Peconic River Sportsman's Club
Krista Dooley - Dog Park
Richard Famie - Trap and Skeet
Matthew Catania - NRA
William Giordano - NRA
Walter Cunha - NRA
Louise Cunha - NRA
Charlie Teryseon - NRA
Lester H. Goldstein - NRA Life
John Nelson - self
Jacquelyn Flad - President Elwood Library Board of Trustees
Denise Speizio, Suffolk County Parks Department
Barbara Mitchell - HDOG
Carolyn Fahey - Suffolk County Economic Development
Michelle Isabelle Stark - Suffolk County Cultural Affairs
Samuel P. Mordente - Peconic River Sportsman's Club
Joe Cutignola - Peconic River Sportsman's Club
Alvin Marelli - Self
Henry Barral - Self
Robert Pug - Mgr. - Reithoffer Shows
Tif Molinaro - Fair Management
Mitch Lesi - Fair Management
John Caracciolo - The Morey Organization Inc.
Chris Palmer - The Morey Organization Inc.
Judy Gordon - Commissioner of Parks Department
Steve Raptulouis - Deputy Commissioner of Parks Department
Barbara LoMoriello - Aide to Legislator Cooper
Nicole DeAngelo - County Executive's Office
Roger Podd - Aide to P.O. Postal
All other interested parties.

MINUTES TAKEN BY:

Eileen Schmidt - Legislative Secretary

(THE MEETING WAS CALLED TO ORDER AT 12:08 P.M.)

CHAIRPERSON FIELDS:

Welcome to the meeting for the Parks, Sports and Cultural Affairs Committee. We'd like to begin the meeting with the Pledge of Allegiance led by Legislator Cameron Alden.

(SALUTATION)

CHAIRPERSON FIELDS:

Thank you. I'm going to begin by introducing Michelle Isabelle Stark who is the new Cultural Affairs Coordinator for Suffolk County and then we will get to the cards. So why don't you come on up and just introduce yourself. I think for the committee we did put a back up on her credentials and how she was chosen for this position.

MS. ISABELLE-STARK:

My name is Michelle Isabelle Stark and I've started working as the Cultural Affairs Director as of Monday. My background is in dance. I also worked in defense electronics for a number of years. So I'm very familiar with information and digital technologies and I just completed my MBA this semester. Thank you.

CHAIRPERSON FIELDS:

Does anyone have any questions?

LEGISLATOR CARPENTER:

I think it might be helpful if you could speak a little bit about your work on the Economic Development Council and you know any especially cultural arts related things that you did. I just got the bio so I'm looking at and see that you've worked on the Charles Dickens Festival.

MS. ISABELLE-STARK:

Right.

LEGISLATOR CARPENTER:

But I think that would be important for us to put on the record so we can get a comfort level with your background experience.

MS. ISABELLE-STARK:

Sure. Yes. I worked on Economic Development Council under first trustee, then Mayor Jean Arant, and I've always been interested in how the arts and tourism effect regional economies. And I had hoped to bring some of the energy that I'd seen in other areas of the country in terms of using the arts and culture assets of the community as stimulus for economic development. With that in mind I worked with Mayor Arant who was then trustee on creating what become the Summer Arts District and under the Summer Arts District I wrote grants to the Long Island Community Foundation and the New York State Council on the Arts to fund four different productions. One of them was called Mothers and Shakers, this is where a group of choreographers from New York City came out to Port Jefferson and worked with both professional dancers who are mothers and mothers who had no dance experience and we created this wonderful performance. We raised money for the Pink Ribbons Project, which is a breast cancer organization for dancers without health insurance.

I also coordinated the Secret Garden Art Tour which was a way of bringing tourist through Port Jefferson to look at the various historic sites and experience the visual and performing arts within those sites. And also did Dances on the Harbor, which pointed out the new park which was being created in Port Jefferson the former Mobile property to show what kind of events could be created and performed in front of a beautiful backdrop the harbor which was at that point a Brownfield site. And I've also served as a dramaturgic for production of Tartuffe, which is the Molier, play at Swarthmore College.

LEGISLATOR CARPENTER:

Thank you. Good luck to you.

MS. ISABELLE-STARK:

Thank you very much.

CHAIRPERSON FIELDS:

Thank you. Michelle was picked out of a medley of many talented and credible potential

candidates and welcome to this position and we look forward to working with you and this committee. And what we do want to do is have at least quarterly up-dates of how we're going on in the program. Okay?

MS. ISABELLE-STARK:

Absolutely.

CHAIRPERSON FIELDS:

We'll look forward to seeing you come again. Thank you.

MS. ISABELLE-STARK:

Thank you.

Audience Applause

CHAIRPERSON FIELDS:

Is Kimberly Prokop here?

MS. PROKOP:

Yes.

CHAIRPERSON FIELDS:

Why don't you come up? Kimberly is also on the agenda today for an appointment as a Parks Trustee and I thought maybe that the committee would like to meet you and if you could just give us a little bit of your background.

MS. PROKOP:

Sure.

CHAIRPERSON FIELDS:

They were presented with your resume, but maybe you could talk a little bit about it.

MS. PROKOP:

Okay. My name is Kim Prokop and I live in Mattituck in the east end. I'm originally from Indiana born and raised. I have a degree from Indiana University from the school of Public and Environmental Affairs. And I have various varied work experience anywhere from retail management to I worked for the largest student loan guarantor in the country for several years before I moved here out east. I managed a law firm and my current position is mother and I'm a yoga teacher for young children anywhere from two to teens. My current experience as far as community involvement I'm currently on the Southold Town Park and Rec. Committee and we're working on a number of new things out there. I've also been extensively involved with Mattituck Park District. Most notably our most recent project was a large playground out in Veterans Park. It was a \$90,000 project that we did everything from design to fundraising to completion and presentation to the community.

I'm also a member of the Southold Mother's Community Organization out there. We're a philanthropical organization that serves community members and especially the families out on the North Fork. And really that's just a brief synopsis of my background. I mean, Supervisor Horton has recommended me for the position because I have -- I'm an active member of the

community. I do believe that our parks and our recreation is a valuable resource that we need to have pulse on and I'm just very interested in that type of thing. I'm new to the Southold Town Park and Rec. Committee also, but actively working on some new things out there. And that's pretty much it unless you had any questions for me.

CHAIRPERSON FIELDS:

You maybe interested in looking at the audience. I think the majority of them are here today to protest the fact that Suffolk Trap and Skeet has been closed and it's part of our Suffolk County holdings. A facility that sportsmen and sportswomen have been using for 50 years. So if you're not in a hurry to leave it would be interesting I think to at least hear the side that they -- their perceptive about trying to get this facility reopened.

MS. PROKOP:

Okay. Thank you.

CHAIRPERSON FIELDS:

Thank you for coming. We're going to begin the cards. We'll start with John Cushman. We have roughly about 30 speakers so I'm going to ask that each person limit their comments to about three minutes or less.

MR. CUSHMAN:

Thank you. My name is John Cushman. I live in Patchogue, New York. I've lived in Suffolk County for over 30 years. I am the president and founder of the Sportsman's Association for Firearms Education. We provide education and information on firearms, firearm legislation. We also on occasion get involved with a little politics. The majority of the time we try to inform the general public about safe use of firearms. The range in question was closed not because of any accident, any problem with the facility. It actually closed simply because the original concessionaire, the vendor at the time, walked off the property and left it completely unattended. A few residents in the area who for a number of years have been trying to close that range used that as an opportunity to try to get it closed permanently. Wisely this committee held very thorough hearing. At the last hearing we got the full reports that the County had contracted for and gotten complete reports on the use of the facility, the amount of money involved and the fact that it represents no environmental hazard or threat to the public at large.

However, at that time the issue of sound came up and when that sound issue did come up it was noted that if I raise my voice one or two more octaves I would be breaking the law. It was also noted that a school bus going to pick up children, a garbage truck picking up refuse, a delivery truck making a delivery to a home, children having a game in their backyard would all exceed the current Suffolk County standard on noise levels. However, it would seem that the requirement that the new vendor who comes into possibly reopen that range and we're hoping that will be done real quick we recommended at the time that the County reconsider either repealing that bill because it was onerously low. It was low in comparison to the standard set by the rest of the state.

The original maker of the law who is just outside giving a press conference actually wrote a letter supporting that the original intent of his legislation unknowing the noise level in the County on County parks was aimed at boom boxes and not at existing facilities. Our hope is that this bill will pass. We strongly urge and we support it. We urge its passage. Rather than me go on and continue to lecture a few people who know a lot more about what's going on I would be offering

my services to answer any questions you might have.

CHAIRPERSON FIELDS:

Thank you very much. Actually, the first speaker that we did have on the list was our Assemblyman Steve Levy who was held up a little bit with his press conference. I'm going to ask you to come on up, Steve, and at least give us an idea of what your original intent was when you had the law.

Audience Applause

ASSEMBLYMAN LEVY:

I better have the right answer now after that. It's always good to be back with my colleagues here. Yes. I'll just make this very brief because you have a big crowd back here who wants to speak as well. But to be quite clear, the intent of this legislation, Legislator Fields was to stop the situation where you have a bunch of teenagers coming down the street with their boom boxes hanging out the window and blowing out windows and disturbing the peace basically. And we wanted to make sure that there were proper ordinances in place and also have detection equipment for our police officers to actually be able to be there on site and enforce the law. It never was it is not now and it'll never be my intent to deal with shooting ranges. That was not what it is about and I'm saying that quite clearly. We want to deal with neighborhood situations down a main street corridor where someone's in the backyard with a party that's going on till one in the morning and disturbing the peace. It has nothing to do with shooting ranges. You expect noise in a shooting range; you don't expect to have noise, you know, in a main street corridor where people are blaring there's stereo's to ungodly decibel levels. And that's what this was all about. Get the equipment necessary for the police to enforce the peace on a main street corridor in someone's backyard and not at a shooting range and I hope that clears that up.

Audience Applause

CHAIRPERSON FIELDS:

Thank you very much. The next speaker is James Kelly. I'm just going to name the Hamlets that these speakers are from. John Cushman is from Patchogue. James Kelly is from Amityville.

MR. KELLY:

Well, I don't really have anything new or existing to say other than to reiterate what John said. What's happened is that as Legislator Levy said the law was used in a manner in which he did not intend it. And we're just hoping that you people who pass this resolution so we can go on become law so that we don't have anymore further delays in the opening the Suffolk Trap and Skeet Range. And I think that's about it; I don't think I can really get anymore seeing anything more or different so.

CHAIRPERSON FIELDS:

Great. Thank you very much.

MR. KELLY:

You're welcome.

CHAIRPERSON FIELDS:

Theodore Robinson from Bellport.

MR. ROBINSON:

Good afternoon everyone. I want to thank you for the opportunity to speak before you today. I just want to mention that I'm a life long resident of Suffolk County. I consider myself a sportsman and an avid shooter and we really miss this facility not being in operation. And we're very thankful for the progress that you've made in trying to get it open again and we really appreciate that. I just ran across some statistics on the National Sporting Goods Association website the other day I just want to go it quickly.

In 2002 there were 19.5 million people who participated in hunting. 18.9 million did target shooting and 3.6 million did musket { ordinances} . 42 million people in this country who enjoy sports shooting some kind of firearm in 2002. Basketball only at 28.9; golf only had 28.3 roughly 2/3 of the shooting sports. Yet if we look at the facilities that are available to us in Suffolk County it's very disproportionate in favor of golf and other sports. We only had this one range and it is now no longer available to us and we need to get that range open again. I hope that this attempt at lowering the noise level ordinances will help in that regard. My understanding is that the last vendor that we just had was attempting to open this and then he backed out because he could not afford the capital cost or the liability associated with noise abatement. In the event that this attempt is not successful by lower the noise level to include the shooting range I would like the County to look into the possibility of maybe doing the capital improvement in that facility to do the noise abatement so that a vendor will not have to shoulder that burden by himself. Again, I'd like to thank you for everything that you've been doing to try to get this range open again. We appreciate it.

CHAIRPERSON FIELDS:

Thank you and thank you for coming.

Audience Applause

LEGISLATOR COOPER:

I had one question.

CHAIRPERSON FIELDS:

Mr. Robinson, there was a question I think that two of the Legislator's would like to direct.

MR. ROBINSON:

Yes.

LEGISLATOR COOPER:

I was just wondering, are there any shooting ranges in Nassau County?

MR. ROBINSON:

I don't know about public shooting ranges. Probably there's someone here who could answer that better than I.

LEGISLATOR COOPER:

John, do you know if there are?

MR. CUSHMAN:

Yes. There's an indoor shooting range in Nassau County. It's run by Nassau County (inaudible)

LEGISLATOR COOPER:

So if this trap and skeet were not reopened how far would far would your members have to travel to be able to be able to participate in this sport?

MR. CUSHMAN:

Well, there's limited number of shooting facilities with trap and skeet available. On is the Brookhaven County -- Brookhaven Township range, but again that's very limited. This range that we're talking about in Suffolk County is on trap and skeet is at least four times bigger in size and was usually very full. They also had a lot of competitions there as well. Charity shoots where the revenue raised went to charities to support other groups, but as far as I know that's the only other two ranges in Suffolk that have trap and skeet on a regulation basis. Calverton Range has a very limited, very restricted do it yourself with hand thrower and little ones that you can do from your own position, but they're not regulation trap. They can't compete in the Amateur Trap Shooting Association of America those kinds of things. So there's only those two and now the biggest one closed that's why it's so imperative that we don't want have anybody going out there and doing something in an area where it might be dangerous. We would prefer to have it done in a safe environment and a safe place and a place that's proven its value.

LEGISLATOR COOPER:

Thanks, John.

MR. ROBINSON:

I would like to add also if I may that the largest growing segment of the shot gun sport anywhere which I'm involved in is sporting clays. And this was the only public sporting place course on Long Island that I'm aware of. Peconic River Sportsman Club is a private club where we have sporting clays and there are a few other smaller sporting clays for ranges, but thousand of thousand of sporting clay shooter that we have in the area there is not facility now that we can use.

CHAIRPERSON FIELDS:

Do you know the waiting list at Peconic River Sportsman's Club for someone to want to join?

MR. ROBINSON:

Its approximately four years is my understanding.

CHAIRPERSON FIELDS:

Legislator Cooper, did you have a --

LEGISLATOR COOPER:

-- no thank you.

CHAIRPERSON FIELDS:

Legislator Alden.

LEGISLATOR ALDEN:

I understand there's a lot of people out here that actually took some time off from work and with the number of cards it seems to be that we're going to keep them here for a long time. So with that in mind I'd like to get this approved right now. So I'd like to make motion to take this out of order and approve this legislation.

LEGISLATOR COOPER:

Second the motion.

CHAIRPERSON FIELDS:

I'm going to ask the audience if there was anyone here that would like to speak about Suffolk Trap and Skeet before the vote is taken that feels that they have a different perceptive or something that we have not heard or -- there are two people? You've filled out cards, three people? Okay. So we'll ask for those and the first gentleman to come up, if you all don't mind, you know, it's up to you. You can raise your hands if you feel that you would like to add something. State your name for the record.

Legislator Foley entered the Auditorium 12:25 P.M.

MR. LUNDT:

Good afternoon. My name is Bill Lundt. I'm a fourth generation from Suffolk County and I've lived in Suffolk County all my life and since 1974 I've been living in Mastic. It's really nice to see all these people here in favor of the skeet range and so am I. But there's just a couple of things that I want to bring up that's not being covered and that I think should be address. First of all, I've been monitoring the PA system that we're now talking over, all right and it's 25 decibels higher than the law allows. Just to let you know.

Laughter and Applause

SPEAKER:

(inaudible)

MR. LUNDT:

We'll get back to that a little later. I'm not going to go through everything that I had proposed to have said of course, however, but there is things that I have concerns about. The last open meeting that we had after everyone got done talking Fred Towle brought up the question to the Counsel to the Legislator and the question dealt with that even if the exemption took place that we had to obey the Town of Brookhaven noise code. All right at which point the Counsel thought that Mr. Towle was correct in that. And I just want to say according to as long last 200 hundred years that the government or the country has been in creation the pecking order has always been an incorporated village or hamlet could not make laws or codes that is contrary or supercedes the townships that they are in. And in the same way the townships cannot make laws or codes that will be contrary or supercede the counties that they are in. And the counties cannot make laws and codes that was contrary or supercedes that of the state that they are in and the states cannot make the laws and codes that are contrary or supercede that of the federal government. And with that enlightenment I just want to ask that, is that statement that Fred Towle made that the County has to comply with the Town of Brookhaven noise code should that be a false statement or, you know the County does have jurisdiction over the towns and especially on County property this would not be an issue. Is that correct?

CHAIRPERSON FIELDS:

Can you just, I'm sorry, could you just read the lines that talk about superceding what so that our Counsel has the ability to hear what the question is.

LEGISLATOR FOLEY:

Madam Chair, I think the gist of it is is do our County parks have to abide by noise ordinances that are adopted by townships, correct?

MR. LUNDT:

On County property.

LEGISLATOR FOLEY:

On County property such as the trap and skeet, the shooting range in Yaphank as it relates to Brookhaven Town ordinances?

MR. SABATINO:

Yes.

MR. LUNDT:

I'm sorry.

MR. SABATINO:

Yes.

MR. LUNDT:

Well, it was my understanding that would not be the case. However there's another -- one other thing that I would like to read into the record before this thing going on. I know the 65 decibels was the cutoff limit. All right and I don't know where that came from and that also was brought up at the last meeting and where exactly it came from and no one knew. They said ah they thought they took it from another town or another county whatever. And I just want to read real quickly the federal standards of the acceptable noise level. This is a published chart from the federal government that says these noises and the duration of time are acceptable to the human ear without damage. And the lowest that it deals with is the 90 decibel mark which is still 25 decibels higher than the cutoff that you're using for the town. But they say for eight hours duration per day, each and everyday, 90 decibels will not hurt or do any damage to the human ear. And they -- it goes all the way up to 115 decibels which is less than a half hour. But just to read that to show you that maybe that this cutoff was a little bit too low to begin with and thank you very much and please continue with the vote on the resolution.

Applause

CHAIRPERSON FIELDS:

Bob Baumann, I think you had your hand up and then there maybe one or two others that wanted to speak.

MR. BAUMANN:

Thank you, Legislator Fields. Good afternoon ladies and gentlemen. Once again, Bob Baumann from Copaque. I'm the Vice President and Firearms Chairman of SASI, which is the acronym for the Suffolk Alliance Sportsman Incorporated. And when I'm not doing that I'm wear the hat as Long Island Region Director for the New York State Rifle and Pistol Association which is the sole state level affiliate, official affiliate for the National Rifle Association. Mr. Lundt brought up revived my memory in relation to the subsequent jurisdictional status or pecking order if you will of the hamlets, incorporated villages, townships, counties and then state bearing the ultimate decision and word on that in this respect. It has not been raised at any of these meetings or hearings recently, but there was some discussion sometime ago about the existence of an overriding state law that grandfathered any shooting range in the state which complied with the then existing, as it was established, then existing environmental conditions. And under those circumstances some of us here are forced to wonder why we are here dickering over passing a county resolutorial or ordinance if you will to supercede or I'm sorry to reduce the decibel levels

or actually eliminate them for the Suffolk County Trap and Skeet Range if that is the case.

Something else that hasn't been brought up recently is the fact that subsequent to the range closing in December of 2001 the County contracted for the services of an expert, a Dr. {Pedicord}, an environmental expert from Massachusetts. And also consulted the County's Board of Health which collectively decided or opinion or {a pined} at least that the range as it stands today is uniquely suited for its intended purpose as a trap and skeet range. And that any change of the trap and skeet range to another passive or active recreational facility would entail a County taxpayer funded expense of some \$5 to 6 million. Raising an interesting question, has the Legislature and the Committee been reminded of that recently and are they both organizations willing to bear the heat from a hard press taxpayer base over a possible change should the range be closed permanently?

Secondly, I noticed on the second division of the hearing today that there are some introductory resolutions one of which is 1350. Do I correctly understand that 1350 would definitively authorize the County, I think it's the second or third one down after the break, specially authorize the County reopen the trap and skeet range or is that for other and or all County facilities? I also noticed that in the subsequent introductory resolutions the County is seriously considering and this committee is seriously considering the expenditure of undisclosed, but I assume considerable funds for improvements in County marinas which are numerous. County golf courses, which are numerous. the purchase of heavy equipment to maintain and improve the County parks and to remove hazardous material from the County parks and industrial sites. It seems to me and I think to most of us here that the reopening, the prompt reopening of the Suffolk Trap and Skeet Range would provide an additional cash flow into the County's coffers to offset some of these other institutions which the committee and the County Legislature are considering funding. I would entreat the people here who are interested in the reopening of the range to stay after the break to ascertain the details of IR 1350 which is the second or third one down on the second page to protect our interest in that respect. I thank you all for the opportunity to be heard here. I urge you all to move expeditiously to affect the reopening of the trap and skeet range as soon as possible. Thank you.

CHAIRPERSON FIELDS:

Thank you. I have a question for Counsel and that is, Paul, Suffolk County operates a couple of marinas and in addition we have Smithhaven (sic) County Park. I know I am correct having been a boat owner for the past 20 years or my whole life time that there are boats that operate in our marinas that we refer to as cigarette boats. And then there are other boats that absolutely violate the noise ordinance. How would someone go about closing the marinas in Suffolk County because they violate the noise ordinance? And second part of that question is, when we have fireworks that go off at Smith Point or Bald Hill let say on a town property, how is it that they are allowed to have the 4th of July or I'll take in my district Long Island Duck Stadium had fireworks I believe last Friday night. How are they able to actually do these events or operate boats in those marinas that are Suffolk County owned without violating the noise ordinance and closing them down for those particular events?

MR. SABATINO:

Well, the fireworks displays or events are exempted under a different section of statutes. So that's why the fireworks situation is not a violation of the ordinance. The marina situation would be covered by the noise ordinance if it were to be shutdown it would take either, you know, an action from the, you know the County Legislature or an action by the, you know, the Commissioner if there was evidence indicating that there was a violation. Or if not necessarily shutting down the facility, but you know, excluding those entities or in this case, you know, boats

that would be causing the violation. You don't necessarily have to shutdown the entire operation if you can get the violator of the ordinance penalized.

CHAIRPERSON FIELDS:

If fireworks are exempted then we're not setting a precedent by asking that something that's been operating for the past 50 years be exempted is that correct?

MR. SABATINO:

That's correct. There's no legal impediment to doing the exemption. In fairness to everybody at the time that the statute was adopted it was attempting to deal or address a number of noise issues, but the statute had to be written, you know, based on a decibel level. There was no basis for or expectation or request that this particular type of category be exempted simply because it wasn't viewed as a problem, but you know, latter on in life if it emerges as a problem you have the authority as long as you treat everybody in the same category the same. So you can't exempt just the trap and skeet shooting range at Yaphank and leave everybody else being treated or held to the standard I should say of the decibel level, but you can certainly exempt the category. It's legally permissible. It's based on changing circumstances. There's nothing wrong with doing that and there's precedent in the sense that there are other categories of activity which were thought about several years ago at the time the bill was adopted to be exempted.

CHAIRPERSON FIELDS:

Thank you. Legislator Alden.

LEGISLATOR ALDEN:

Paul, does Brookhaven's statute on their noise and level does that exempt their own firing range?

MR. SABATINO:

That's a good question. I mean, the gentleman who asked the question before asked a narrow question and you're asking the broader question. I don't know what the ordinance says. I really haven't looked at the Brookhaven ordinance in this context, but I mean, the general question was would the County be exempt from the ordinance. The answer is no as long as there's not an exemption in the Brookhaven statute which doesn't apply those decibels levels to this kind of facility. So if the Town of Brookhaven has written its statute such that this particular park or this particular kind of activity isn't covered then there wouldn't be a problem, but I don't know because I have not looked at the Brookhaven ordinance.

LEGISLATOR ALDEN:

Just taken it one step further than that. If we reopened and were subject to Brookhaven's noise ordinance and they were operating a shooting range and they tried to hold us accountable and not their own shooting range selective enforcement is not allowed either is it?

MR. SABATINO:

That's correct. That's good equal protection argument.

MR. BAUMANN:

If I may add Mr. Sabatino, Mr. Baumann. Mr. Sabatino brought something to mind. You may have read recently that there is a move by the Mount Sinai Harbor Civic Association to outlaw water fowling in Mount Sinai Harbor. And I've attended several of the Brookhaven Town meetings and other meeting with those groups that are trying to do that to come to some sort of

a resolution. And during the course of that and attending those meetings it came out that Brookhaven Town has an ordinance a town wide ordinance against the possession of firearms anywhere on BrooklynTown property -- Brookhaven Town property I'm sorry. Equal treatment? They're operating a trap and skeet and a rifle and a pistol range. You can't operate a rifle and a pistol range without having firearms yet it would appear on the face of it that there is some serious dichotomy that they are violating their own ordinance. I seriously doubt on the basis of my 36 years of law enforcement experience that the County would have to be and County ordinance would be subservient to a Brookhaven Town ordinance. Any questions? Thank you.

CHAIRPERSON FIELDS:

Thank you. I am going to ask -- how about I just go through the cards. If you want to speak hold up -- you know just jump up and speak and if not say that you don't want to. John Toronto from the Peconic River Sportsman's Club.

MR. TORONTO:

Good afternoon. Thank you for the opportunity to speak. I'll be very brief. Just to touch on something that we've already mentioned today. I'm the president of the Peconic River Sportsman's Club. We had our monthly general membership meeting last night and I touched base with our membership chairman. Our waiting list, which normally I would say for as long as I can remember, has been a three-year waiting list. Right now our waiting list is five plus years; that has grown since the shutdown of Suffolk County Trap and Skeet. So again, there's a demand out there for this kind of activity and this kind of shooting venue. Our club has five trap and skeet ranges; a sporting clays range and a five stand. These are all shotgun sports. We have grown as far as guest coming in. They can only come in because we're a private club they may only come in at the invitation of a member. So there are many people who try to come in that we have to turn away. We are being deluged by numbers of people not only on our waiting list, but people who just want to shoot. There is no other act in town and these are revenues that really should be going to the County instead they're coming to us. So again, just another point for you to consider. Thank you.

CHAIRPERSON FIELDS:

Thank you very much.

Applause

1301 Adopting Local Law No. --2003, a Local Law to exempt shooting ranges from Suffolk County noise control. (Fields)

LEGISLATOR ALDEN:

To renew my call I think I'd like to see this passed and then we'll sit around and if people want to address us after that, but I think for those that want to get back to work and might have to get back to work they can at least see us pass this bill and then they can go back to work. And they can make up their mind whether they want to speak after that, but I'd like to see it moved. So I'm going to make a motion to take it out of order and pass this resolution.

LEGISLATOR COOPER:

Second the motion.

CHAIRPERSON FIELDS:

All in favor? Opposed? It's not out of order.

LEGISLATOR ALDEN:

Motion to approve.

LEGISLATOR COOPER:

Second.

CHAIRPERSON FIELDS:

I'll make the motion to approve.

LEGISLATOR ALDEN:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved. **(Vote: 6-0)** You're welcome to stay. I'll continue to go through the cards.

Applause

And I would like to thank those of you who did take time out of your busy day to come and show your support for this. Jerry Nichols, Suffolk Cooperative Library System on a different issue.

MR. NICHOLS:

Yeah. This will be a little change of pace for you. I'm Jerry Nichols, I'm the Director of the Suffolk Cooperative Library System. Yes, we deal with noise issue too, but a little differently. I'm here to speak with you today about the Little Red School House in Elwood which is a County owned historic building. With me today is Jacquelyn Flad who is the president of the board of trustees of the Elwood Public Library. I'm here at the suggestion of both Legislator Binder's office and Commissioner Gordon to clear up some confusion and/or information that you may have regarding the Elwood Public Library and their interest in the Little Red School House in Elwood. So first a little background if you don't mind. The Elwood Public Library is the newest of the 56 public library districts in Suffolk County. The Suffolk Cooperative Library System is the coordinating agency for those libraries and as you well know the libraries in your own communities are thriving thanks to the support of their communities and your communities.

Elwood was created last fall as again the newest library district by the voters of the school district in Elwood. These voters for the past four years have contracted for library services with their neighbors and in last November decided to create their own district. And this past month voted to establish a budget in the amount of \$1.15 million for the continuation of public library services. They've elected five trustees to their library board. They have recently been chartered by the Board of Regents of the State of New York. So I just want to state for the record that the Elwood Public Library is a political subdivision of the State of New York a regents corporation and indeed a partner in the educational enterprise that we cherish on Long Island and in Suffolk County.

One of the responsibilities of the Board of Trustees is to establish permanent library service for their community. One of the things they have to do at this point in time is to explore their options to have a permanent library facility. One of those options, only one, is to investigate the possibility of using the Little Red School House. That was one of the original school buildings in Elwood, but it is now County property and is used and leased by the County to the Friend for

Long Island, the Art League of Long Island. We understand that one of the situations with the school house is that the County at this point in time is unable or unwilling, and please correct me if I'm wrong, to invest significant amount of money into this particular facility to make it to bring it up to building codes that would comply. That is a critical issue for us before we further continue our negotiations with the County. So we the Suffolk Cooperative Library System on behalf of the Elwood Library Board hired an architectural firm Beatty, Harvey and Associates who are well known for their library work, but also you just mentioned the Citibank Stadium they designed the home of the Long Island Ducks as well, to evaluate the structural, the architectural and the mechanical issue surrounding this particular historic building. They're working with representatives of the County's DPW and representatives of the historic preservation folks that work for your Commissioner to do a professional appropriate evaluation of this facility. This evaluation a written evaluation will be available in about a week or so which I will be presenting to the library board giving them an idea of the amount of work that would be necessary for this type of facility to use as a public library.

Now lets speak for a second about this facility. It is in no way appropriate right now to be used for public use; that's a opinion of a public library administrator. It is not handicap accessible. It needs a variety of restoration and renovation projects done to it. It's not in good enough shape nor is it for traffic flow. The mechanical systems need evaluation. There is however a nice new roof that you folks paid for and a sufficient parking lot which of course need to be paved, but other than that there appears to be a lot of work that would need to be done on the facility. Nonetheless this facility holds a very distinctive and intriguing possibility for the community because it was the Elwood Little Red School House. And for over a decade that I've been involved in this project members of the community including the school district have been very positive about the concept of using this as the library's first home. Now I underline first home because it is a small facility as public libraries.

We are waiting for an architectural review to tell us what needs to be done. The architectural review will have three phases. One, how much it would cost for us and what would need to be done for us to move in and use it as a public use facility. The second, how to improve the facility so that it could for the long run be a comfortable and appropriate facility for public use. And third, a complete historic restoration or this building. Now the investment in such a project is something that would have to be a partnership, of course, between the library and the County, but at least at first we needed to know what the numbers were and what the work necessary to be done before we could even go further to enter into negotiations to lease this particular facility.

I'd like to tell you that the community support for this idea is overwhelming and in effect I'm the one who's trying to slow it down a little bit because of all of the problems that may indeed be the case of a facility like this. We have our eyes completely wide open about the issue of asbestos abatement and lead paint and again handicap accessibility and things of that nature and traffic control. None of these things are a surprise to us. We in Suffolk County as you are well aware have reconstructed 42 of our library buildings in the last eight years. So this is pretty much status an issue that is not a problem nor a challenge to us in particular.

I'd like to leave with you today a copy of the brochure that was mailed to the community before the last budget vote; a budget vote that was passed by almost 2 to 1. Part of that debate in the community was not just the establishment of a continuing tax appropriation, but the debate about where the library should be. And the full last page of this particular newsletter had an article about the Little Red School House because again this has been one of the most popular ideas that has come around in this community in many, many years. Commissioner Gordon shared with me before the meeting that she checked her files and before we even approached the

County she already had 30 letters from community residents suggesting that this be a partnership that we develop. Pardon me, yes.

LEGISLATOR ALDEN:

(inaudible)

MR. NICHOLS:

What I'd like to simply ask of this committee is that you allow the process to continue. We do not know and it will be up to the Elwood Library Board of Trustees to pursue it any further. There will be a price tag to working with the County on such a project one that would indeed restore an historic treasure to the community. Hence a County owned property and provide a much needed public service. So what we would ask of you today is frankly two things. Allow our process to continue and be aware that there is an elected board of trustees of a political sub-division of the State of New York working with you in order to appropriately use this type – this facility. Before I close I would like though to thank you ahead of time for your supportive of Sense Resolution 24 introduced by Legislator Cooper, thank you very much, in which the Legislature joins with the New York State Legislature in urging the restoration of library funds that were cut from the Governor budget. Our Legislature has fully restored them and we're waiting to see what the Governor does, but your support in that issue is very, very welcomed and I thank you for that.

LEGISLATOR COOPER:

Thank you.

MR. NICHOLS:

Do you have any questions today about this process.

CHAIRPERSON FIELDS:

Yes.

MR. NICHOLS:

Great.

CHAIRPERSON FIELDS:

I have a question, oh, Lynne, you have a question too. I have a question. If the library were to invest money in rehabilitating this building would you then be entering into a lease agreement with the County? A license agreement with the County or how were you looking at doing it?

MR. NICHOLS:

Actually, you're the landlord so you're going to dictate that far more than we are. The conditions upon which the County sets will be critical in determining whether the Elwood Board of Trustees wishes to use their taxpayer's money to improve a County owned building. So we don't know that yet and I fully understand that you have certain restrictions regarding lease agreements or licensing agreement. We actually haven't gotten that far because we have not yet determined whether indeed this facility could be appropriate for a public library.

CHAIRPERSON FIELDS:

Okay. Let's just fast forward and work on in cases. Let's say that that's what you want to do and you invest thousands of dollars into improving the building. And now you would like to operate it as a library, but the County has a rule that you can only operate it on a 30-day license agreement, it's a license agreement. Would you be willing to enter into agreement that the County can take you out of there with a 30 day notice after investing that kind of money?

MR. NICHOLS:

In an answer, probably not, but it's not my -- that's not my position to give you an answer. There is an elected board of trustees that represents this community. I suspect an I've been in public service for 30 years now that when there is -- there good intentions and well meaning people involved that we could negotiate something that's in the best interest not only of the County, but of the Elwood community. And so I would keep my mind open and continue to pursue this because frankly I think the partnership has so many good possibilities that to, you know, to put that hypothetical question here now and say well we won't do it because this maybe the case I think is premature. If this is indeed a good thing, the community wants it, it's good for the County, it's good for the library I'm very, very confident that things like that can be worked out again to the advantage of both the County and the library district.

CHAIRPERSON FIELDS:

And one other question; you may have said it when I stepped out, but can anyone use the library?

MR. NICHOLS:

Of course. Libraries are opened to everyone.

CHAIRPERSON FIELDS:

Okay. Lynne, Legislator Nowick had a question.

LEGISLATOR NOWICK:

Yes. I think that you had asked most of my questions, but I just need to get this a little clearer in my mind. The Elwood School District Library District wants the County to make the improvements?

MR. NICHOLS:

No. We don't expect -- I stand corrected.

LEGISLATOR NOWICK:

No, no.

MR. NICHOLS:

Oh, we'd love the County to make the improvements.

LEGISLATOR NOWICK:

No, no. You might have said that, but I'm not clear because I'm looking for good business sense here.

MR. NICHOLS:

The understanding that we had is that the County is not able or willing to make a significant investment or fully restore this facility at this time. We'd be happy if the County would do that. Historically, I understand that this Legislature had made a grant to the Art League of Long Island to fix the roof and perhaps improve the parking that is always a possibility. Right now we are investigating in partnership with your Parks Commissioner to determine how much investment would be made. And at the same time the Elwood library board understanding from the beginning that the County may not indeed make this investment, but the library board maybe willing to make the improvements in return for the use of the facility. That's what we have to

determine what the costs are.

LEGISLATOR NOWICK:

So then the Elwood library would make the improvements. Get the school house ready if this came through fruition and then you would lease it from the County, but the lease would -- could be 30 days and that --

MR. NICHOLS:

-- well, look lets be honest, if this 30 days it's not going to happen. We have not yet determined the cost of doing this or making it a appropriate facility.

LEGISLATOR NOWICK:

Yes. That was just my, you know, business question, if you did all those improvements and then you leased it.

MR. NICHOLS:

No, that's not going to happen. And the fact is is that as to who actually does the work that's an issue that's opened for question right now because there are specific historic preservation that has to be done by people who are qualified. Whether it is paid for by the library or by the County how that's worked out I don't I'm not sure that that's going to be a problem. That will be an issue that needs to be addressed, but again we are dealing with an incredible, intriguing possibility that it bears good common sense for us to investigate it to find out how much it would cost to fund it. How much work would be necessary. It just makes sense for us to work this process through. There will be problems along the way; there will be questions that don't make sense. We may come back to you and look for some special consideration regarding an investment of a community group into a facility, but that's what we're here for. It's our job to work these things through not to just say, oh, they can't be done because there might be a rule or regulation on the books right now. I think it's a partnership that we'd like to pursue. Again, if it becomes too difficult or too expensive the library board does have other options. They will go other places; eventually, they'll have to build a library.

LEGISLATOR NOWICK:

Oh, don't get me wrong I think the idea of utilizing the school house is lovely.

MR. NICHOLS:

It's almost romantic to be very candid with you that's why we have to pursue it cause the community wants us to pursue it and we will pursue it and then we'll come back and talk to you and see what can be worked out if indeed it can be a process that is something that's works for both of our advantages.

LEGISLATOR NOWICK:

Thank you.

CHAIRPERSON FIELDS:

Anybody else? Legislator Foley.

LEGISLATOR FOLEY:

Not a question, but just a comment. And Jerry it's good to see you here today and I would just like to state for the record that over the years there have been many occasions where I've had constituents who've had issues, questions about our library system and you and your staff Jerry have been very, very helpful all those years. I just wanted to put that down on the record and

secondly, also welcome you here. I think it's the first time you've spoken before us --

MR. NICHOLS:

-- before this committee, yes.

LEGISLATOR FOLEY:

Okay. It is an interesting partnership between a parks department and a library district. So many of us do believe in process however the process may end is another question. Certainly you raised a very good point and that the process should continue. What we will do is as a Parks Committee and have an oversight responsibility to the Parks Department is to hear from the Parks Department particularly about this process that's now underway between the Parks Department and the Elwood Library District.

MR. NICHOLS:

Thank you, Legislator. By the way the study that we're pursuing will be may fully available to your Parks Commissioner and to this to the Legislature when I've presented it to the Elwood Board. It is being done on behalf of the Elwood Board and pay for by the Suffolk Cooperative Library System. I have to present it to them first. We are fully sharing all of this information with your Parks Commissioner and my compliments to them; it has been great to work with them. And again, it's a pleasure to work with professionals in this regard. You'll hear from us again I hope and perhaps we'll be able to solve some of those problems that you brought up today together.

CHAIRPERSON FIELDS:

Mr. Nichols I just want to add one thought. There has been testimony in the past that if the Little Red School House were made into a library and entered in to anything other than the 30 day lease agreement that it would be an alienation of parkland. And so with that in mind I'm hoping that you will speak to other people within the Assembly or Senate about those kinds of facts because we would not be able to enter, you know, as things stand right now into an agreement that would go anymore than 30 days for any group.

MR. NICHOLS:

Okay. That's very interesting so what you're saying the 30 day agreement is a state law?

CHAIRPERSON FIELDS:

No. It's, Counsel, maybe you can --

MR. SABATINO:

-- I think the point is that in order to be able to accomplish what you want without getting enabling state legislation it would have to be a license agreement. License agreements by definition are terminable at will. The County happens to have a 30 day notice provision in it's licensing agreements, but if you're going not be able to do it because the investment wouldn't support just the 30 day at will kind of an arrangement then you're going to need an enabling state legislation and that's I believe why the Chairman mentioned the Assembly or the Senate.

MR. NICHOLS:

Well, we'll be delighted to work that through. We done enabling legislation countless times. It does seem to be though a cooperative problem because it would seem that that facility is not particularly usable for much of anything right now even though you do have a tenant who's

leaving. So it's going to be a problem. An investment is going to have to be made into that facility and perhaps we'll be the ones to work that process through with you.

CHAIRPERSON FIELDS:

Thank you.

MR. NICHOLS:

Thank you.

CHAIRPERSON FIELDS:

Barbara Buscareno followed by Ginny Kahn.

MS. BUSCARENO:

Good afternoon Legislator Fields. I'm here to just speak once again on Legislator Cooper's bill 1217, which I guess was the introduction of the previous bill. And I've gone over, you know, some of the questions, complaints that have been raised in the past about the creation of dog parks in Suffolk County. And particularly this bill with Coindre Hall and West Hills and I just would like to make a few comments. This I think initially may have seemed to many of you to be a frivolous and unnecessary project. I mean, what's next, you know, fishing pond for gold fish, but we see this as a community need. There are approximately 650,000 dog owners in Suffolk County and at this point in time they are uniformly denied access into any of the publicly owned land in Suffolk County. And it really is not, we don't see this as fair and we don't see this as a real community benefit. I mean, dogs do need a place to go. Dog owners do pay taxes and we do feel that it is only fair to give us designated areas in the publicly owned land that we are basically have already paid for.

There have been environmental questions raised in the past. This has been through the CEQ process. It was passed, as I believe it was a Type II Action, which indicated that no one, environmental serious impact. We have given this committee copies of a DNA study that was done in Arlington, Virginia that indicated that storm drains and waterfowl have had a greater impact on the environment than dogs. We certainly agree that dog waste does need to be picked up and we have found in group situations like this and at dog shows that peer pressure does get people picking up dog waste much more than they do when they're just letting their dogs out in their backyards. And when they're walking them, you know, by themselves on the street where they may feel nobody's seeing them.

It's a fairness issue. There was also some questions about the impact on wildlife and I have worked with wildlife in the past quite extensively doing rescues and for injured and sick raccoons. I can say that the impact on wildlife certainly is minimized in these -- in creating these designated areas because that does keep the dogs in more of a centralized location. I think now certainly at Coindre Hall there's probably not a whole lot of wildlife that are impacted. The squirrels can get up a tree and the raccoons were kind of decimated previously and I think some of you have expressed the positive benefits of chasing the geese off of the property. I had been at a previous legislative meeting here I guess it was this week or last week there's been so many and I believe Legislator Caracciolo was talking about using County tax dollars should be used for public benefit and that public access was important on publicly owned land. And we just want to say that we certainly agree with that and we feel that in order to be fair we really would appreciate your supporting this bill which would give us access to much needed space for our us and our dogs.

CHAIRPERSON FIELDS:

Thank you. Ginny, it's looks like Munger Kahn.

MS. KAHAN:

That's it.

CHAIRPERSON FIELDS:

Okay.

MS. KAHAN:

Thank you very much for letting me speak. First I just wanted to put across our side which is the desperate need for areas where dogs can run in Suffolk County in general and -- hello -- in Suffolk County in general and in Huntington in particular. As our friend Barbara Mitchell so eloquently testified last week; the open fields where we used to run our dogs have been taken over by schools and parking lots and homes, soccer fields. And we are left with very little. Dogs are not allowed in any town parks in Huntington and they are extremely restricted in most County parks. Many dog owners feel they are up against a wall at this point and they need open areas where they can let their dogs get the exercise that they need without being tethered to a six-foot leash.

Next, what you would get by approving dogs runs at Coindre Hall and West Hills Park. First, the eternal gratitude of hundreds of dog owners. Every local government official I've talked to has talked about how popular dog runs are in their communities. That they get nothing but positive press from creating these and that their constituents are so happy. So it's a very popular move. Suffolk County, if you approve this you avoid acquiring a reputation for backwardness and an anti-dog owner agenda. There are already hundreds of dog parks throughout the U.S. and Coindre Hall and West Hills will be Suffolk's first two.

Next, there have been some concerns raised and I think that Barbara has already dealt with the environmental concerns that have been raised. Having the CEQ review the plan at Coindre Hall and fine that their dog run will have no significant impact on the environment. I think should assuage any concerns about the environment. Second, there have been some concerns raised about the cost of putting in a dog run and the biggest cost of installing a dog run is the fencing. The Town of Huntington will take care of that so Suffolk County will not incur that cost. On going costs are usually minimal usually two or three thousand dollars a year at most that's at least based on my conversations with half a dozen similar East Coast dog runs. And if the town is picking up the waste which Huntington has agreed to do as well then it should have even less of a cost for Suffolk County.

CHAIRPERSON FIELDS:

Can I interrupt?

MS. KAHN:

Yes.

CHAIRPERSON FIELDS:

What's the 2,000 to 3,000 dollars cost for?

MS. KAHN:

Mostly for picking up the waste that's usually what the biggest cost you know. And then third issue that has been brought up is liability. The question is what happens if someone is bitten by a dog or a dog bits another dog in the dog park. Can the County be sued? Of course the County could be sued, but as you know better than me I'm sure the chances of someone prevailing

against the County are slim as Kenneth Phillips a well known dog bite attorney notes. There are immunities that protect government entities from many claims. If the entity believed it was doing something beneficial for the community as in setting up a dog run it is hard to get around that immunity. That doesn't mean the County doesn't have to be prudent in its oversight of the dog run. For most local governments that means controlling access to the run by requiring dog owners to get a permit and posting rules and regulations for the use of the run. These rules usually state that dog owners are responsible for controlling their dogs at all times; that the use of the run is at your own risk and that the County or Town is not responsible for injuries suffered to you or to your dog. These rules and there ongoing enforcement by uses of the run should insure that the County is not taking any unusual risk in creating a dog run.

I think the bottom line is that when it comes to the cost of creating dog runs legal, economic and political the cost are minimal, but the benefits both to Legislators who support the idea and to the citizens of Suffolk County and Huntington, in particular, will be tremendous. So that's my statement. I'd be happy to answer any questions.

CHAIRPERSON FIELDS:

Thank you. Charles Saladino followed by Jeanette Murphy.

MR. SALADINO:

Good afternoon. Before I read my statement I just wanted to say that I learned something here today. Since 45% of the people in this country own dogs that means the way I calculate it that there are 2 1/2 times more dog owners than shooters in this country. That's a lot of dogs and a lot of dog owners. I want to take to you about the tremendous need for a dog run at Coindre Hall, which is the focus of the bill being considered today. And the intense interest in making sure dog run at Coindre is established on the part of us hundreds of dog owners who use and depend on Coindre Hall. First, there is no place for me to take my dogs to run in Huntington other than Coindre Hall. I can't them to any town parks; I can't take them to any school yards in my neighborhood. I can't take them to the baseball fields, soccer fields that are all over town. I can't them anywhere to run but Coindre Hall and my dogs like all dogs need exercise. They need to run and plan with other dogs. Running and playing with other dogs makes my dogs better members of my community. They're happy, they're open to meeting new dogs and new people and they're tired when they come home so they sleep. As I'm sure you've heard many times a good dog is a tired dog and that's true.

I've been taking my dogs to Coindre Hall for many years. Many members of {H} dog have been going there for dozens of years. I can't overemphasize how much Coindre Hall means to us dog owners who depend on it. At {H} dogs February meeting when we invited Jon to present this plan for a dog run at Coindre Hall we had 100 people show up to listen to Jon's plans and give their impute; that's a lot of people to get to a community meeting in the middle of the week. But it shows you how strong an issue Coindre Hall is for us Huntington dog owners. Jon Cooper knows what Coindre Hall means to us. He responded to our needs and wishes by drawing up this bill that will create a state of the art dog run at Coindre Hall. I can't image any reason to turn Jon down. There are already hundreds of dog runs created by towns and counties across the country. Please support Jon's efforts to give Huntington dog owners one at Coindre Hall. Thank you.

CHAIRPERSON FIELDS:

Thank you. Jeanette Murphy followed by Georgia Lheron.

MS. MURPHY:

I'm Jeanette Murphy and I live in Greenlawn, but I happen to be in the Elwood School District. And I'm here today only to say one thing that I would be asking you not to continue into negotiations with the Suffolk Cooperative Library Sys -- Suffolk County Library whatever they are and our district, our library district. Because being that I lived in Greenlawn for over 60 years my daughter in the '60's went to the Little Red School House for kindergarten. At that time the building was quite a deplorable state and this summer I had to pick up a child that went to art school program and I was quite taken back that the building is in worst, worst terribly worst shape than it was in the '60's. And so as a taxpayer of Elwood I just would like to say that I am against any kind of forward negotiations with the prospect of us having to have this as our library. Thank you.

CHAIRPERSON FIELDS:

Legislator Foley has a question for you.

LEGISLATOR FOLEY:

Thank you. Being now that it's now a duly enacted library district and there is a board -- there's a library board is that not correct?

MS. MURPHY:

There is a library board, yes.

LEGISLATOR FOLEY:

That was elected by the people within that particular area.

MS. MURPHY:

Could I stop you there?

LEGISLATOR FOLEY:

Sure

MS. MURPHY:

When we elected them they were suppose to look at options.

LEGISLATOR FOLEY:

Yes.

MS. MURPHY:

And that was all that we voted that they had to be licensed to go ahead and look at options for a library.

LEGISLATOR FOLEY:

My only question is it's fine to come here to speak to the County portion of the equation, have you spoken also at library board meetings with the new board?

MS. MURPHY:

Our library board meets I don't want to say secretly, but it is very hard to find them when they have a meeting. They're not really publicly informed -- they don't inform the public when they're meeting or where they're meeting. In fact, I don't know where they're meeting for their next meeting.

LEGISLATOR FOLEY:

All right if I may continue for a moment. They have to abide by all the open meeting laws that we abide by because they are elected just as we are. So they are -- they have to abide by, you know, what we call the sunshine laws. The opened meetings laws particularly if ever you call there if you call there once a month or every other week and you ask, you know, when is the meeting going to be held and where and what time they have to give you that information.

MS. MURPHY:

What happens if they don't? It's undisclosed.

LEGISLATOR FOLEY:

Well, it's a violation of state law.

MS. MURPHY:

The Attorney General?

LEGISLATOR FOLEY:

The Attorney General would be one avenue to pursue. I don't know how large your district is, but certainly I'm sure one would be able to find one of the board members around town to speak with him or her about it. But the very least if you asked a question they've got to tell you where the meetings are. I mean, that's just basic and that's a fundamental violation if they don't.

MS. MURPHY:

Also the -- I was very surprised to hear Mr. Nichols say that the community supported this. I know he said he had 30 letters, but my neighborhood, I don't call my neighborhood the community, but my neighborhood is very much against it only because of the state of the building and the cost that it would entail to get it into any kind of state where you could have public people, you know, for a library.

CHAIRPERSON FIELDS:

Georgia Lheron and the last card is Krista Dooley.

MS. LHERON:

Good afternoon. I'm Georgia Lheron and I'm here about the Little Red School House again. And I too was quite surprised at Mr. Nichols saying that the community was so much in favor of this and he sighted that the reason that they were in favor is because we voted more or less that we wanted the School House. Well, I will give you -- this is the proposition and under it there is rent \$166,000. If you can find any place on here that the community was informed that we were about to enter into an agreement to renovate a building then you're better than I am because we gave them license for a half a year of contract and then hiring a director at \$166,00 for rent and utilities. I realize budget is -- budgets can be changed. The community has absolutely no knowledge and has not been informed that we are going to take out a \$300,000 loan to do the renovations.

CHAIRPERSON FIELDS:

Can I interrupt? What are you holding up?

MS. LHERON:

This is the actually library vote proposition that the people of Elwood did vote on that Mr. Nichols said showed that we were in favor of the Little Red School House. You can keep it I have another one.

CHAIRPERSON FIELDS:

Legislator Alden also has a question.

LEGISLATOR ALDEN:

When he was here did you approach Mr. Nichols with --

MS. LHERON:

-- I have spoke to Mr. Nichols.

LEGISLATOR ALDEN:

Okay.

MS. LHERON:

I have gone -- our library board that has rules and has to abide by them. I have e-mailed them and asked them -- I went to the last library board meeting and I have been to them all. I'm usually the only person there. I had a really difficult time finding it because it was in the school and usually our meetings are in the auditorium, but they weren't there. It was in the library; there was no sign on the door. There was no -- I finally found it, I was the only person there. I asked Mr. -- I asked the library board how they intended to pay for all these renovations. Is it in your budget, and you have a copy of their budget, and they said no. I asked them well how do you intend to pay for all these renovations and the answer was they were going to float a loan for upwards of \$300,000. My next question was obvious, I mean, are we going to get to vote on this and we're not. No. They assumed that we do not need to vote on whether the community wants to invest this kind of money. So when Mr. Nichols says the community knows all about this very few people in the community know that we're floating a loan and that we're not going to get to vote. We have not voted on whether we want the School House as a community. Now I realize we're not buying it, but we are planning on investing a lot of money.

I would ask, he covered it. On May 15th he is going to have all his architectural reports. The contractor has already been engaged and there are -- library board is going to make a decision on whether to enter into this negotiation. I realize it's a wonderful deal for the County because the building has been terribly neglected by Friends. I mean, and it does need in 1986 there was a report, it's all on file. It was going to be \$221,000 in 1986 to do just the first floor of the building. So we are talking a lot of money, but -- and Commissioner Gordon has been negotiating and they have allowed the building to be neglected by Friends. Friends collected the money and now Elwood taxpayers are going to pay to restore the building. And I would like to see I realize that Friends is being audited because they did collect the money to maintain the building and the building is falling apart and there are people in it. I would like to see some kind of resolution or whatever needs to be done done so that they can't sub-lease this building to the Elwood community who doesn't even know that their getting it, you know, so that it can be stopped at least until the audit is done on why is the building in this condition and why are the people of Elwood going to be paying to fix it. And I'd like to submit these are new pictures. I gave you pictures last time. These are pictures of the unencapsulated asbestos in the ceiling in the basement. Under the 1986, when you got the building Legislator O'Donohoe promised the community and one of the reasons they voted to sell it to the -- is we didn't need. It was going to be the pride of our community. When it was fully restored it was going to be -- and Suffolk County promised to restore it. Now I realize money is short and it didn't get restored, but it didn't even get maintained and it's not the pride of our community. And now we're going -- and the reason we sold it is because we didn't want to spend \$221,000 to restore it. Now we're going to and this is the encapsulated -- unencapsulated asbestos and the burner -- and in case Friends

says to you we put a new burner in – in case they say they put a steel door on the basement, the basement is bolted you can't get out of it if there was a fire. And this is just some pictures in case they say they have been maintaining the building.

CHAIRPERSON FIELDS:

Can we, can I keep those pictures?

MS. LHERON:

Yes.

CHAIRPERSON FIELDS:

Thank you. Thank you very much. Krista Dooley is our last speaker and then we'll go to the agenda.

MS. DOOLEY:

Good afternoon. My name is Krista Dooley and I work full time in Miller Place. Live in Bellport and drive to Coindre Hall in Huntington because there my two Boston Terriers are permitted to run of leach. I never knew a place like this existed in Suffolk County until last September and that was only because it was threatened to be taken away. For me it's worth the 45-minute drive to get there. Sometimes we can't make it my schedule doesn't allow it and other times we can only stay a short time. I should mention I leave two minutes from Southaven Park, a Suffolk County park, but it doesn't provide for what I need in a County park. So for whatever time my dogs can enjoy some off leach fun with each other and with other dogs I'll make the 90-minute round trip to Coindre. Do I wish I didn't have to, absolutely. I wish there was something closer that gave me and my dogs the benefits of Coindre Hall.

Suffolk County gives hunters their areas to hunt, horse owner's areas to ride, bikers' paths to bike. Hikers trails to hike, campers' areas to camp and children places to play, but what about dog owners? There is a need for designated off leach areas in Suffolk County parks. If Legislator Cooper's bill is not passed not only with it eliminate what little exist in Suffolk County parks for dogs, but it will also eliminate the possibility of more off leach areas for dogs being established in Suffolk. And this is a disservice to responsible dog owners in Suffolk County.

Are there problems with off leach areas, of course, but let's figure out a way to make this work. Not shut the door on it. This is Suffolk County the forerunner of many great things. Let's continue to be progressive. Thank you very much.

CHAIRPERSON FIELDS:

Thank you.

MS. DOOLEY:

I also just wanted to mention that I recently returned from Florida and I just stumbled upon a dog park. They're right on the Gulf of Mexico in Benita Beach right on a sand bar. People were swimming; people were sitting in the water while their dogs were running around and to say that I was in awe is an understand statement. It is run with the Department of Recreation and Parks with a group called SUDA} and I did bring their pamphlet. But when I saw something like that it really made me wonder why we can't have something like that over here in Suffolk County. Thank you very much.

CHAIRPERSON FIELDS:

Thank you. Commissioner Gordon, can you come on up? We have on our agenda today to

discuss the cash control report and I just wanted -- you gave it to us the last time you were here and I just wanted to know if you had anything that you wanted to share with us beyond that.

COMMISSIONER GORDON:

Well, one thing I did want to share with you I'm not sure if you're aware that the County has recently entered into an agreement with a company called Global Payments who I believe exists in other areas of New York State. And I think under state bidding purposes or purchasing purposes we were able to hire Global Payments to provide credit cards services to us. And over the last I guess week we've been installing credit card machines in some of our locations also -- in most of our cash location also. So that's going to provide an additional control for us in terms of more people being able to use the credit cards and our employees therefore not handling as much cash as they use to handle. So that's one addition I just wanted to make you aware of.

CHAIRPERSON FIELDS:

Where's Global Payments.

COMMISSIONER GORDON:

I don't have the information on where they're located; who they are. I didn't bring that with me, but that is the name of the company.

CHAIRPERSON FIELDS:

Are they any -- do they have any affiliation with Global Golf?

COMMISSIONER GORDON:

No. I don't believe so.

CHAIRPERSON FIELDS:

Okay. I'd be interested in knowing where they come from and who --

COMMISSIONER GORDON:

-- sure I'm sure I can find that out.

CHAIRPERSON FIELDS:

Maybe a copy of the contract too.

COMMISSIONER GORDON:

I don't know whether I have that. I mean, we would have to ask that from purchasing. That's not something that we went out to do. Other than that I don't have any, any additions as yet. Well, I'm sorry. We are opening up -- we went out to bid for a new toll machine at Smith Point County Park which I believe the bids are to be opened May 12th. And we're shooting to get those in operation as soon as possible after that bid is opened. Realistically, we think it probably would be by July 4th, but we're going to do everything in our power and we've asked Purchasing to work with us to try to expedite this so that that's in operation as soon as possible. Other than that I don't have any additions. I don't know whether you have any questions, but I did mention the last time that this is a living document also. It's not something that, you know, we write and we put on the shelf. It's something that we will be in the process of trying to improve upon on a regular basis.

We are in the process also of being audited by the County Comptroller and I did tell you that as they make suggestions they've been going out and visiting the sites where we collect revenue. And as they've made or as they've questioned staff, you know, staff is -- has begun to make

some changes as a basis of those questions that are asked in how we handle operations now. But as well, I am looking forward to the recommendations that they make to us in terms of tightening up our cash procedure, but I am fully -- I fully expect that one of the areas that they're going to make a recommendation is that we will need additional staff in order to better control our cash.

CHAIRPERSON FIELDS:

Do you have feelings about the bill by Legislator Caracciolo about putting cameras in some of our park facilities?

COMMISSIONER GORDON:

I can't really -- I have -- we've not done any investigation in that. I believe when the bill was first introduced people in the department had spoken to I think the state because I think state parks may use cameras in some of there operations. I don't think that they do it across the board, but I think the conversation that we had with them is that, yeah, it may have an impact for a period of time, but no system is full proof. So I think what we would need to do is weigh the expense of doing it. The expense of installing the cameras as well as the expense of maintaining them. Something goes wrong obviously you have to repair them and also you need somebody to look at the film. That's an expense that we would have to incur also, but we have not looked into it any further than that. But those are questions that I would have at this point in time.

CHAIRPERSON FIELDS:

Legislator Alden.

LEGISLATOR ALDEN:

I didn't have a chance to do a real thorough examination of cash controls, but what I propose on doing is just throwing it over to our Budget Review Office because they've got a lot of experience with even ferry companies and things like that where the County grants a license and a franchise with looking at the control systems on cash. Because again, there's -- we're in a unique situation where we are in a fairly large cash business. The other thing I just want to point out is that while it covered most of the operations it did leave off the golf operations. So I think that out of the, what do we have like \$81/2 million come in in cash a year into parks roughly?

COMMISSIONER GORDON:

It's probably around seven.

LEGISLATOR ALDEN:

Seven?

COMMISSIONER GORDON:

Mmm.

LEGISLATOR ALDEN:

I think the majority of that money is actually generated.

COMMISSIONER GORDON:

Approximately three million although with the weather we've been having since last fall that's going to drop off considerably, but approximately three million I believe or close to three million is collected on the golf courses.

LEGISLATOR ALDEN:

I know we're looking at the possibility of doing a park district and I think I'd like to just throw this out right now as an idea to look at while we're going through that review process. I think we should look at the way we do business with our subcontractors and our contract {vendees} because under current system it's almost like they're encouraged to under report or try to cheat and maybe make up things.

COMMISSIONER GORDON:

Well, we certainly don't encourage them to do that Legislator Alden.

LEGISLATOR ALDEN:

No. I'm saying that the system does and the way it's setup is we basically rent something to them or they pay us for the use of something and then we take the percentages of, you know, like gross and things like that.

COMMISSIONER GORDON:

It's usually a flat fee and then a percentage of gross.

LEGISLATOR ALDEN:

Right. In my experience with those type of arrangements there is a tendency or a pressure on the person that is on the opposite end of it not from the County's end, but somebody on the opposite end to possibly fudge the figures a little bit. Like if they get into a situation where they're having a bad year or whatever. There is more of a tendency when more pressure on them to fudge the figures. And I'd like to look at the proposition of just, you know, renting space and we can do that with -- I know the big concessionaires are caterers and things like that. And if we start looking at it just as a strictly lease deal I think that we might be putting ourselves in a better position that we don't have to watch them as much. It'll cut down on it and we just strictly collect the rent.

The other thing is we have operators in our golf courses and they're mainly Class A PGA pros, but they collect the money for us. There's basically no oversight of the County; there's no, sort to speak, cash controls in that regard.

COMMISSIONER GORDON:

They provide -- they report to us on a regular basis and we do review those.

LEGISLATOR ALDEN:

It's they report to us though, right.

COMMISSIONER GORDON:

Yes.

LEGISLATOR ALDEN:

But we have nobody -- we have nobody there that actually does -- for instance, if you go to the state, the state has two employees and there's a cash control and then they have somebody that oversees that. So they have two points where they can look at and they also have somebody that's looking at the deposits and overseeing --

COMMISSIONER GORDON:

-- again, staff --

LEGISLATOR ALDEN:

-- exactly --

COMMISSIONER GORDON:

-- that's the problem that we have and that's definitely it's definitely a deficiency in the department in the oversight of many of our contracts.

LEGISLATOR ALDEN:

Right. But in the grocery business we use to call it shrinkage. In ever industry, you know, you've got to terminology for it, but if we're hitting something that you can label as either shrinkage or under reporting or whatever that can be quite substantial in the event that it's more widespread other than what we found in Smith Point. I'm going to leave that there because I know there's lawsuits going on, but when you have cash and you have a substantial amount of cash I found it's always good to have, you know, real, real, real tight cash controls. And I would just like to just throw that proposition out that possibly even with the way we run our golf courses we might want to look at them model that New York State uses. And we might want to look at there's a couple other park districts that are in neighboring states and very close to us and there are also a few corporations that actually operate multiple golf course operations and their cash control is substantially different than what we use. And also the whole structure and what I'm suggesting is the possibility that instead of a golf pro collecting the money for us, he pays us rent for a portion of a retail operation and that we would take care of our own flow and monitor that.

COMMISSIONER GORDON:

But again, that's staff.

LEGISLATOR ALDEN:

Well, staff --

COMMISSIONER GORDON:

-- the additional staff that we would have to hire to do that. No, I'm just pointing it out.

LEGISLATOR ALDEN:

I know, but if we're collecting a substantial amount less than what we might collect if it's our own staff I think that that's something that has to be explored. And also we are charging somebody basically we charging somebody and giving them the right to collect \$3½ to \$4 million of the County money. Now there's a large opportunity there for somebody to not do things under the law and that's what I'm pointing out. There's a substantial amount of money there and there's a temptation there that might be succumbed to by some individuals. Whether it be employees of the golf pro or whoever it could be.

COMMISSIONER GORDON:

To be honest with you Legislator Alden I'd love to get to a point in time where we could only use credit cards. I mean, I think that that's a little unrealistic a 100% of the time, but we would try to encourage as much of that use as possible.

LEGISLATOR ALDEN:

Well, that's one direction that I'd like to go on, but I'd also like to explore the idea of --

COMMISSIONER GORDON:

-- yeah, debit cards are included I believe in this process also.

LEGISLATOR ALDEN:

I'd like to look at the proposition of just renting, you know, space because they're a retail operation. If we rented them the space, if they made a million dollars God bless them. If they made a hundred dollars they're taking the market risks. So I would like to see the County out of the cash type of risk situation and go more into just we'll rent them the space and then let them go and operate. Hopefully profitably, but --

MS. SCHMIDT:

The mike is off.

LEGISLATOR ALDEN:

Let me just repeat myself. Hopefully on a profitable basis, but it would be their risk and they would pay the market rent on X number of square feet of retail space.

CHAIRPERSON FIELDS:

You made a comment before that you thought that cameras might be costly and then you have to have somebody, you know, review the films, etc., but if you can't put staff to oversee cash and you're not. There's no way that you'd get pure credit cards like Smith Point. If I was going to Smith Point and it cost me \$5 to park I would not under any circumstances use my credit card.

COMMISSIONER GORDON:

Right. Yes.

CHAIRPERSON FIELDS:

So --

COMMISSIONER GORDON:

-- might use a debit card though.

CHAIRPERSON FIELDS:

I don't think I would.

COMMISSIONER GORDON:

Well, there are people out there that would though.

CHAIRPERSON FIELDS:

Maybe they would, but I think the average --

LEGISLATOR ALDEN:

(inaudible)

CHAIRPERSON FIELDS:

Excuse me.

LEGISLATOR ALDEN:

(inaudible)

CHAIRPERSON FIELDS:

So I think maybe with the capital budget coming up, you know, maybe there is some thought

that could be given to the camera idea because they're certain places within the County that you're always going to have little bit of a problem with. And then I'll use the real quick example at Jones Beach. I understand from speaking to John Norbach that at one point when they actually had a priest who was off in the summer time collecting fees at the gate and they found that they were steeling the monies. So, you know, the faith of the population that they're going to be okay and, you know, we're not going to lose money is something that when there is cash it's terribly difficult for many people.

COMMISSIONER GORDON:

Yes, we know that.

CHAIRPERSON FIELDS:

Yes. So maybe the camera thing is not such a bad --

COMMISSIONER GORDON:

-- and also as Legislator Alden mentioned about the ferry service, I believe several meeting ago, Legislator Foley suggested that we talk to the ferry on Shelter Island and the ferry in Sayville. We did talk to one --

LEGISLATOR FOLEY:

-- also Kevin Duffy the analyst here --

COMMISSIONER GORDON:

-- yes. We did speak with Denise Speizio on our staff spent some time with the operators of the Sayville Ferry and we do have information from them as to the cost of the procedure that they use.

CHAIRPERSON FIELDS:

Legislator Nowick and then Legislator Carpenter.

LEGISLATOR NOWICK:

Just a quick question. The problem seems to be for example Smith Point Park a car comes in goes to the booth gives cash, that's where you want to use the cameras is that what I'm understanding?

CHAIRPERSON FIELDS:

I'm not sure, but I think --

COMMISSIONER GORDON:

-- well, that's where we're instituting the toll counter.

LEGISLATOR NOWICK:

The toll counter means a car goes over?

COMMISSIONER GORDON:

Yes.

LEGISLATOR NOWICK:

And then the person in the booth is --

COMMISSIONER GORDON:

-- collecting the money --

LEGISLATOR NOWICK:

-- collecting the money and as like a bank the draw has to check out with the toll collector.

COMMISSIONER GORDON:

Yes. And then the toll machine itself keeps a record of how many, you know, entrances there were.

LEGISLATOR NOWICK:

Well, how do they steal then because just the draw --

CHAIRPERSON FIELDS:

-- I think we probably can't discuss this, but I'll maybe talk to you later about how they might have been able to go through.

COMMISSIONER GORDON:

And once it's installed I would invite any and/or all of you to please come and visit one day because we'll be actively using it once it's installed and the seasons starts.

LEGISLATOR ALDEN:

I can answer Legislator Nowick. Actually, New York State and the federal government did an amnesty program and that was cash that people were taking and weren't reporting it and beating people out of income taxes. And there are a whole list of ways that even under those circumstances people can steal money. So I have some of that information I'll share it with you.

COMMISSIONER GORDON:

Yeah. Maybe we don't want to put that on the record so that we give anybody else ideas.

CHAIRPERSON FIELDS:

Legislator Carpenter.

LEGISLATOR CARPENTER:

To the issue of camera, Commissioner, you might want to check and I can give you that information; Westfield Shopping Town has just installed security camera in all the common areas of the mall --

COMMISSIONER GORDON:

-- oh, okay --

LEGISLATOR CARPENTER:

-- inside and security cameras on the parking areas outside.

COMMISSIONER GORDON:

So that would be some good number information as to cost.

LEGISLATOR CARPENTER:

Yes. Right.

COMMISSIONER GORDON:

Okay. Sure.

CHAIRPERSON FIELDS:

Thank you. I guess we'll talk about fee increases as we get to that bill, but we'll start with the agenda now.

TABLED RESOLUTIONS

2152 To implement retention of technical consultant in connection with Forsythe Meadows property damage. (Fisher) I'm going to make a motion to table.

LEGISLATOR FOLEY:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Tabled. **(Vote: 6-0)** Counsel, is has that reached a six month rule or anything?

MR. SABATINO:

Yes. Actually, it falls off now.

CHAIRPERSON FIELDS:

Okay. So we can take that off of our agenda.

LEGISLATOR NOWICK:

Which one is that?

CHAIRPERSON FIELDS:

It's 2152, the first one.

LEGISLATOR NOWICK:

Okay.

MR. SABATINO:

Oh, wait, no, wait, wait.

CHAIRPERSON FIELDS:

No?

MR. SABATINO:

I apologize I was looking at the wrong number. It lasts one more cycle. So if nothing happens at the Legislative meeting coming up on the 13th then it will be gone. So I apologize. One more cycle; you can table it today, but if nothing happens on the 19th then it's gone.

CHAIRPERSON FIELDS:

2253 Adopting Local Law No. –2003, Authorizing County Department of Parks, Recreation and Conservation to construct dog runs in county parks. (Cooper)

LEGISLATOR COOPER:

Motion to table.

CHAIRPERSON FIELDS:

I'll send the motion. All in favor? Opposed? Tabled. **(Vote: 6-0)**

1075 Amending the 2003 Capital Program and Budget and appropriating funds for resurfacing Smith Point County Park parking facility. (Towle)

LEGISLATOR FOLEY:

Table.

CHAIRPERSON FIELDS:

And I will second that motion. All in favor? Opposed? Tabled. **(Vote: 6-0)**

1161 Appointing Mary Anne Jedrlnic as member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 2). (Bishop) Is she -- she's not here, no. Okay. We'll make a motion to table.

LEGISLATOR COOPER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Tabled. **(Vote: 6-0)**

1217 Adopting Local Law No. --2003, Authorizing County Department of Parks, Recreation and Conservation to construct dog runs at Coindre Hall and West Hills County Park. (Cooper)

LEGISLATOR COOPER:

Motion to approve.

CHAIRPERSON FIELDS:

I'll second the motion. All in favor?

LEGISLATOR ALDEN:

On the motion.

LEGISLATOR CARPENTER:

I just want to clarify that this clearly only establishes the dog park in Coindre Hall and West Hills and no other County park, is that correct?

LEGISLATOR COOPER:

Yes. It is.

LEGISLATOR CARPENTER:

And also the language that's in here, except that a dog or cat may be permitted to use County parkland on a leach and it's been added in areas designated for such use. So that would then codify what is now going on in some of the parks that have signs up that a dog must be on a leach that they can legally be there walking their dogs now. Okay. Good.

LEGISLATOR ALDEN:

On the motion, it was brought up and I believe it was Legislator Binder that brought it up I'm not

sure if and I'm going to ask Paul Sabatino, the legal basis for this type of local law in light of the fact that say for instance IR 1346. And that would be establishing a policy, do you have to do the policy first or can you do a local law that this first because we do have -- isn't there a law on the books right now that says that this activity's not allowed in the County?

MR. SABATINO:

Well, we have a law on the books that restricts the activity. This amendment would broaden the activity the permissible activity by loosening up the restrictions. Establishing a policy is an option, but it's a policy decision. I mean, it's really it's a judgement you'd have to make. You can decide at this juncture that you want to take the existing statute and lift the restrictions with regards to these two particular facilities and then at a later time you can consider establishing a policy, but that policy may become contradictory with this. So the language would have to be reconciled; so I think your point is that if you vote for this and approve it then the language in 1346 or some other alternative would have to take into account the new state of the law, okay.

LEGISLATOR ALDEN:

All right then, the second point, or actually I have a couple other points too. It was brought up in testimony that the Town of Huntington is going to pay for cleanup, maintenance, and the fences. Is that part of this resolution, the agreement with the Town of Huntington?

LEGISLATOR COOPER:

No. We have a separate document from the Town of Huntington on both those points. A commitment from them to both pay for the fence and to cleanup the site on a routine basis and also they'll be providing town police cars that will be swinging by to make sure that the only people that utilize the dog run have permits --

COMMISSIONER GORDON:

-- may I make a comment --

LEGISLATOR COOPER:

-- and that's all it cost to the town.

LEGISLATOR ALDEN:

So this --

COMMISSIONER GORDON:

-- I just wanted to -- if this is a approved my intention is to codify this in some kind of agreement with the Town of Huntington.

LEGISLATOR ALDEN:

Well, that's my worry that if I vote for this I'm I committing County funds for all those activities or in hopes that the Town of Huntington because I have to tell you where I'm coming from on this. Town of Huntington is showing a little bit of two face deal here. They've got plenty of town parks up there and if they're restricting people from letting their dogs run in town parks and saying, oh, County you go ahead and do it, it sounds like there's the possibility here that once we go and approve this that they're going to back out on their end of the deal. And is there anything that's binding on their part like a town board resolution because quite frankly I don't have a lot of confidence in the Town of Huntington.

LEGISLATOR FOLEY:

Legislator Alden's points are well taken from the point of view. Legislator Cooper, can you submit

as part of the record if in fact the votes are to report this out today, but by next Tuesday submit as part of the record any correspondence from the town that has stated that they intend to do these things. And if it's approved on Tuesday then the Commissioner will follow through developing a contract with the town. No if the town has Legislator Alden mentions if the town falls short or decides not to follow through on with what they've promised well, then he and I'll say myself included we'd have every right to revisit the issue. So I think no one would object to that and the Commissioner --

LEGISLATOR COOPER:

-- and I would be the first one to call for revisiting the issue.

LEGISLATOR FOLEY:

Right. Okay.

LEGISLATOR ALDEN:

Okay. But on the record today we've got your assurance that your intention on this is to take money from the town to number one, construct the park. Number two, for the maintenance and also for the policing will go on.

LEGISLATOR COOPER:

Correct.

LEGISLATOR ALDEN:

All right. Then just I have a couple of other concerns that I'd like to explore, but I've looked at New York States policy and I've looked at the federal government's policy on Long Island and they don't have any free dog run areas. And I've looked Heckscher Park down on the south shore; I've looked at Bethpage and Hither Hills and a couple of the other ones. Now how does this operate to keep, you know, dogs from fighting with each other because people fight with each other as you and I both know? And what prevents the dogs from actually, you know, from fighting with each other or and I'm just assuming that this is a fenced in area that, you know, now we're not affecting the other people that are using the park. So we got to worry about like the dogs that are in there and how's does that operate?

LEGISLATOR COOPER:

Without revisiting all the issues that we've been discussing for the past eight or nine months dogs have historically used Coindre Hall or dog owners have used Coindre Hall to release their dogs. It's been done for 25 years now. All that we're proposing is that unlike the current situation where the dogs are off leach they'd be restrained in a fenced in area. It's up to the dog owners to be responsible to -- they will be required to make sure that their dogs have all inoculations, that they're spayed/neutered and that also a class of dogs not be allowed within the facility. Despite that fact there's always a possibility that two dogs may nip at each other, but there's not -- it's no more likely in a fenced in area than in the current situation where they're allowed off leach. And the community opposition, a very small amount that has been received to Coindre Hall from the neighboring homes has been because the dogs right now are out off leach. If anything there's been support from local community for the concept of fencing them in because it would mitigate the concern that you're expressing.

LEGISLATOR ALDEN:

Okay. So as far as compliance with all that that's on a voluntary basis and it's not going to be verified by a dog owner's association. Nobody is going to be there actually in a administrative capacity or --

LEGISLATOR COOPER:

-- it will be posted signs. We've come up with very detailed plan and we can share a copy with you if you like for the rules and regulations for the dog run. We're not reinventing or inventing the wheel here as has been testified. They're approximately 1200 dog runs that have been operating successfully across the country. What we're trying to do is to take the best of those other runs and put them into place at Coindre Hall. So we really are looking for state of the art facility. Huntington dog owner's group has accepted responsibility to assist in self-monitoring the site. And also this is going to be a two year pilot program.

LEGISLATOR ALDEN:

Paul, it was raised in testimony that as far as suing the County and I think the person so aptly stated that it that anybody of course can sue the County over anything. Now as far as the liability end of this, in your experience and I'm asking for your like a judgement call on this. What are our legal ramifications of us, actually, officially designating a dog run area and number one is my primary concern is that by -- if a dog is allowed by the County to run loose bites a person that's an individual that is in there. And secondly, if two dogs actually fight each other thinking of, you know, all the things like whether dogs have had their shoots, you know that type of thing. And I'm actually bringing in something here because of the like, the recent revelations about how SARS (severe acute respiratory syndrome) has maybe been spread so, you know, I'm just -- if you could work that into it a little bit too because that would be a environmental issue.

MR. SABATINO:

Well, changing the statute to authorize a less restrictive access by dogs to a County park facilities in these two instances I don't believe is going to massively expand County liability. And clearly there's always some additional liability associated with increased levels of activity, but by way of example you could get the same kind of potential for liability just by virtue of a larger number of people being induced to come to the facility because you do some kind of a improvement or you lower a fee or whatever. And to the extent that you have more activity at a site the potential for liability, you know, would correspondingly increase. I mean, the SARS issue I think really could be addressed by even -- you could have an individual who inadvertently not knowing he or she was exposed walk into a County park and I mean, you've got the potential for a thousand people there to contract it. But the County wouldn't be libel for that because nobody would reasonably expect the County to be screening people for that kind of activities. As far as the dog bite, as you know New York is an unusual state, we've got the two-bite doctrine so you're allowed one bite before you have a liability. But again, I don't think that the County would generate a massive increase in its liability on those issues. The construction, they'd be liability during the period that the work is taken place. I mean, that would have to be monitored, but that's no difference really than any other kind of park improvement that's being done. So on balance I don't think that liability is a potential concern should drive the process in terms of how you view the merits of the legislation. I mean, if there is a -- if you tip all the scales and try to come up with reasons for and against I wouldn't let liability be a major either for or against type of issue.

CHAIRPERSON FIELDS:

I just have a question then Legislator Nowick. Somebody mentioned permits and I'm not totally certain about that. Is it our responsibility to get permits for a dog owner to use the park, Judy?

COMMISSIONER GORDON:

What do you mean is it your responsibility? Oh, you mean County Parks?

CHAIRPERSON FIELDS:

The County.

COMMISSIONER GORDON:

Well, the Town of Huntington is volunteered to administer that for us.

CHAIRPERSON FIELDS:

So if someone wants to use the dog run they go to the Town of Huntington to get the permit.

COMMISSIONER GORDON:

Well, no. Probably we -- well, what we might wind up doing is both. They could either come to the County department or go to the Town of Huntington. We haven't codified that with them as yet, but the Town of Huntington will be monitoring.

CHAIRPERSON FIELDS:

Could you codify that before Tuesday's vote if it goes out of the committee today could you because I think everybody would want to know?

COMMISSIONER GORDON:

I think a simple phone call to the town if I suggested to them maybe that if the people can get them either place I think we could work that out.

CHAIRPERSON FIELDS:

Okay. You know just as long as if this is going to happen and it's a pilot program we should know what the plan is; who's doing what who's responsible for what. Legislator Nowick.

LEGISLATOR NOWICK:

I am in agreement Legislator Cooper when he says that. I took a tour of Coindre Hall and --

COMMISSIONER GORDON:

-- actually, it's West Neck Farm. We've been slowly trying to get away from the Coindre Hall.

LEGISLATOR COOPER:

It's never going to stick.

LEGISLATOR NOWICK:

Good because that's a lot easier to say. I went to West Neck Farm and I took a tour --

COMMISSIONER GORDON:

-- well, we keep saying Coindre Hall it's not going to stick.

LEGISLATOR NOWICK:

It just occurs to me that I did see several people there walking -- happen to be walking their dogs. Now more of a question for Counsel having been a license insurance broker for many years I do remember insurance 101 you're still libel. The County is libel if that dog is on the property, am I correct, and bites somebody even if you don't, but in this case now I'm wondering now as a County we're trying to control it a little more. And I can't imagine why we would be more libel trying to control it and have permits and have fenced in areas then we would be libel for these dogs on the property anyway and we own the property as the County.

COMMISSIONER GORDON:

We're libel right now.

MR. SABATINO:

That's an excellent point. I mean, from the standpoint of ownership of property to the extent that you own property and something happens on your property you have potential. I underscore the word potential liability. Then people evaluate the particular case and look at, you know, was something reasonably foreseeable. Did the event that took place is there something you could have reasonably foreseen. Was there a relationship or connection between what happened and what you were doing as the owner of the property and then were those things related to the actual damage and injuries? So your point is well taken to the extent that you're doing things that would mitigate that. Again, it would help to reduce that potential, but again, as I said before I mean, whatever the potential is I think it's net so small that it really wouldn't be a significant factor in deciding this issue.

LEGISLATOR NOWICK:

Thank you.

CHAIRPERSON FIELDS:

Okay. IR1217.

LEGISLATOR ALDEN:

I'd like to ask the sponsor if he'd change his motion to discharge because there are a number of questions. I'd like to support this, but there seems to be a number of questions and I would like --

CHAIRPERSON FIELDS:

Discharge without recommendation and this way you can get all the answers for Tuesday.

LEGISLATOR CARPENTER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Discharged without recommendation. **(Vote: 6-0)** IR1301 has already been passed.

LEGISLATOR CARPENTER:

Put me down as a co-sponsor.

CHAIRPERSON FIELDS:

Which one?

LEGISLATOR CARPENTER:

1301.

CHAIRPERSON FIELDS:

1301 can you add Legislator Carpenter as a co-sponsor.

MS. SCHMIDT:

Yes.

INTRODUCTORY RESOLUTIONS

CHAIRPERSON FIELDS:

1346 Adopting Local Law No. –2003, a Local Law establishing dog and cat run policy for county parks. (Binder) I'll make a motion to table pending the public hearing. Who's going to second that.

LEGISLATOR COOPER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? We're motion to table 1346 pending the public hearing. I made the motion Legislator Cooper second it. All in favor? Opposed? Tabled. **(Vote: 6-0)**

1350 Directing the reopening of county parks. (Fields) Okay. I guess this is where we bring in the fees. So I'd rather not or how about I pass over this and we will go to both of these.

1352 To expand audit of Friends of Long Island's Heritage. (Binder) Counsel, could you just expand upon well.

MR. SABATINO:

Well, this modifies the audit that you previously authorized earlier this year by adding a requirement that a specific review be made as to whether or not the Friends complied with all the terms and the conditions of the original resolution that authorized its acquisition. And also whether or not they've been in compliance with contracts relative to the maintenance issue that I guess has been discussed at this committee level. So it's asking the audit to do more than just the normal books and records and accountings and go into those two particular categories with regard to the Little Red School House.

COMMISSIONER GORDON:

My understanding of the audit is that they would be covering items such as that, so I think it's -- it would be covered in the audit that's going on right now. Yeah, and I've had discussion with the Department of Audit and Control.

CHAIRPERSON FIELDS:

I think what they have here is including a specific review as to whether or not Friends of Long Island Heritage has complied with all the terms and conditions of all County resolutions and contracts relating to the maintenance of the Little Red School House. So I guess he's asking for something very explicit. All right. I'll make a motion to approve.

LEGISLATOR FOLEY:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? 1352 is approved. **(Vote: 6-0)**

1362 Appointing a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Kimberly Prokop). (Postal) I will make a motion to approve.

LEGISLATOR CARPENTER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved. **(Vote: 6-0)**

1381 Appropriating funds in connection with improvements at county marinas (CP 7109). (County Executive)

LEGISLATOR FOLEY:

Explanation.

CHAIRPERSON FIELDS:

Explanation.

COMMISSIONER GORDON:

This is a requests to appropriate capital monies to do further improvements at our County marinas and this is primarily for our marina at Shinnecock where we need to upgrade electric service. And as a part of upgrading that electric service I think we need to build a block building to cover that improvement. And we are going to be looking at reconfiguring the slips in that marina so as to perhaps provide additional space for boats thereby bringing in more revenue to the County also.

CHAIRPERSON FIELDS:

Also Timber Point? What's the difference between --

COMMISSIONER GORDON:

-- that's the project.

CHAIRPERSON FIELDS:

Okay.

COMMISSIONER GORDON:

For some reason in the capital program the projects are lumped together.

CHAIRPERSON FIELDS:

All right. I'll make a motion to approve.

LEGISLATOR FOLEY:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved 1381 is approved. **(Vote: 6-0)**

1382 Appropriating funds in connection with improvements at county golf courses—Timber Point and Indian Island (CP 7166). (County Executive) What's the difference between 1382 and 1383?

COMMISSIONER GORDON:

I believe it's the golf course. The one is Indian Island in West Sayville and the other one is Timber Point.

CHAIRPERSON FIELDS:

1382 says Timber Point and Indian Island and then 1383 says Timber Point.

SPEAKER:

(inaudible)

CHAIRPERSON FIELDS:

Okay. 1382 I'll make a motion to approve.

LEGISLATOR CARPENTER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved. **(Vote: 6-0)**

1383 Appropriating funds in connection with improvements at county golf courses—Timber Point (CP 7166). (County Executive) Motion to approve.

LEGISLATOR CARPENTER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved. **(Vote: 6-0)**

1384 Appropriating funds in connection with the construction of a maintenance building at Timber Point Country Club (CP 7173). (County Executive) Judy, if you could tell us about the maintenance building at Timber Point?

COMMISSIONER GORDON:

The current maintenance building?

CHAIRPERSON FIELDS:

No. This bill.

COMMISSIONER GORDON:

The current maintenance building is seriously, seriously deficient especially in terms of our implementing -- in the process implementing our organic maintenance program. This is to build a brand new building that we will probably be putting in the area where the former horse stable had been. That building will probably come down and we're going to build a brand new building.

CHAIRPERSON FIELDS:

Okay. I'll make a motion to approve.

LEGISLATOR COOPER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved. **(Vote: 6-0)**

1385 Appropriating funds in connection with improvements to historic sites and buildings at The Third House, Montauk (CP 7510). (County Executive) Commissioner.

COMMISSIONER GORDON:

Yes. This is -- we are just about to go out to bid to begin the improvements at Third House. I'm not sure of any of you have -- are familiar with the building, but I'm amazed that we got through this winter without really serious further decay. It's a very large building. It probably will be an expensive restoration, but we've now with the infusion of this additional money has brought us up to a point where we're hoping that we're to be able at least secure the roof. And because its an historic building we have to put a wood roof on it which is quite costly as well as replace siding on the building. And they probably we will be coming back to you for further requests, but we're hoping that that work will begin this year.

LEGISLATOR FOLEY:

Madam Chair?

CHAIRPERSON FIELDS:

Yes. Legislator Foley.

LEGISLATOR FOLEY:

Commissioner, this is the kind of building that both the Chair and I in the past have had in mind when we've wanted to create grant positions in different departments. Have we tried to access grant monies?

COMMISSIONER GORDON:

We actually have a grant from New York State for that building I believe the amount is 82,000. I'm not sure if I have the figure correct.

LEGISLATOR FOLEY:

But the overall cost to do everything that needs to be done to Third House what's the overall?

COMMISSIONER GORDON:

It's probably in the neighborhood of a million dollars.

LEGISLATOR FOLEY:

About a million dollars.

COMMISSIONER GORDON:

And we did last year apply for a grant from the federal government. We were turned down last year; we intend to continue to apply for those grant monies.

LEGISLATOR FOLEY:

Now were those grant monies seeking congressional dollars or were they grant monies that went direct -- that went directly to the historic preservation.

COMMISSIONER GORDON:

It was a heritage grant I don't believe it was congressional money it was a heritage grant.

LEGISLATOR FOLEY:

I would imagine Madam Chair that there must be other philanthropically organizations that could have grant monies available as well. Have you tried besides the federal government for

preservation monies?

COMMISSIONER GORDON:

Specifically from private foundations for Third House, no.

LEGISLATOR FOLEY:

However?

COMMISSIONER GORDON:

No. We haven't. And my experience Legislator Foley with private foundations is that they're reluctant to grant money to government. They would much prefer to grant to a non-profit organization or a foundation. And as a result of our park district discussions this has come up several times.

LEGISLATOR FOLEY:

How about New York State?

COMMISSIONER GORDON:

Well, the grant we have existing right now is from New York State.

LEGISLATOR FOLEY:

For 80,000.

COMMISSIONER GORDON:

Yes. We would have liked them to give us more money at the time, but unfortunately we only got 82, but we're happy to get that.

LEGISLATOR FOLEY:

What I would suggest speaking with Public Works Department as you do quite often with capital projects both T21 monies and now the new T3 monies thanks historically to the late Senator Moynihan. He always included a large amount of money within the huge appropriation of hundreds of billions, but tens of billions were set aside for historic preservation. So if there is a creative component of transportation access to a historic building they're monies there that could potentially be utilized through the T21 and T3 monies, the new T3 monies for some of our County buildings. So I would ask respectfully to speak directly with the Public Works Department about that. Because I know they are submitting applications for a variety of projects, but I believe there's also a historic component -- preservation component to the latest transportation.

COMMISSIONER GORDON:

There is and a matter of fact we have some money for other buildings from the prior program. We don't have any new T23 or --

LEGISLATOR FOLEY:

-- T3.

COMMISSIONER GORDON:

T3 money.

LEGISLATOR FOLEY:

No applications were made.

COMMISSIONER GORDON:

Yes. Oh, yes they're ongoing.

LEGISLATOR FOLEY:

I think we should -- may we get a copy of those applications see what's been asked for.

CHAIRPERSON FIELDS:

Okay. Can you provide us with that?

COMMISSIONER GORDON:

We haven't asked for anything currently.

CHAIRPERSON FIELDS:

How long ago?

COMMISSIONER GORDON:

But I think we did the first cycle and we're -- we still haven't spent the money that we got from the first cycle. They like you to spend the money from the first time before you ask for more.

LEGISLATOR FOLEY:

Well, let's try to speed that up so we can -- if a million dollars is need for Third House and how much is this appropriation out of 1385?

COMMISSIONER GORDON:

I believe this is 200,000.

LEGISLATOR FOLEY:

200,000 -- it certainly -- we should be looking for at least a half a million or some six figure amount from the feds.

COMMISSIONER GORDON:

Yeah. The grant that I had requested the Heritage grant that I had applied for I believe was 500,000.

LEGISLATOR FOLEY:

Change the heading and submit it to the USDOT office, the Department of Transportation.

COMMISSIONER GORDON:

Yes. I could do that.

CHAIRPERSON FIELDS:

Okay. A motion to approve 1385.

LEGISLATOR FOLEY:

Motion to approve.

CHAIRPERSON FIELDS:

I'll second. All in favor? Opposed? Approved. **(Vote: 6-0)**

1386 Amending the 2003 Capital Budget and Program by appropriating funds in connection with the purchase of heavy duty equipment for county parks (CP 7011). (County Executive)

LEGISLATOR CARPENTER:

Motion.

LEGISLATOR COOPER:

Second.

CHAIRPERSON FIELDS:

I'll second the motion for Legislator Cooper. All in favor? Opposed? Approved. **(Vote: 6-0)**

MR. SABATINO:

By the way you might just on Tuesday want to add that to the list of things you're looking at for bands cause this is changing that method of financing. This'll be coming up during the week at the committees so.

CHAIRPERSON FIELDS:

1386?

MR. SABATINO:

Yeah. Just make a note on the floor. We've be doing that – the other committees where bands become relevant.

CHAIRPERSON FIELDS:

Yeah. Okay.

1387 Amending the 203 Capital Budget and Program by appropriating funds in connection with paving improvements and lighting at county parks (CP 7079). (County Executive)

CHAIRPERSON FIELDS:

Which County parks does this affect or is it all of them?

COMMISSIONER GORDON:

Well, it is general, but we're primarily looking at West Hills, Cathedral Pines, Southaven Campgrounds, Blydenburgh, and perhaps the parking lot at the golf course at Indian Island.

LEGISLATOR CARPENTER:

Motion.

CHAIRPERSON FIELDS:

I'll second it. All in favor? Opposed?

LEGISLATOR FOLEY:

On the motion.

CHAIRPERSON FIELDS:

Okay.

LEGISLATOR FOLEY:

Commissioner, keeping in mind Legislator Cooper's resolutions current and past about the light pollution and like which is an important issue, how would this resolution address that issue of insuring that there isn't – well, I'll give you an example cause I think we need to put it on the record. As happy as many of us are with the new boat access down Smith Point the lighting there is something you'd see on an expressway and it certainly isn't what I would consider park like lighting. So with that in mind if we pass a resolution like this what kind of assurance would we have that it would be more park like lighting in the parks as opposed to expressway lighting in the park?

COMMISSIONER GORDON:

This capital program for whatever reason and it's been historic, paving and lighting have been lumped together. Over the years we've haven't done a lot of lighting and what are intentions are for this money is to primarily use it for paving. I don't think we have any plans for lighting.

LEGISLATOR FOLEY:

Well, lighting would be great I'm just saying that if we do lighting –

COMMISSIONER GORDON:

-- I agree with you –

LEGISLATOR FOLEY:

(inaudible) park like lighting.

COMMISSIONER GORDON:

Yes. Absolutely and I think we should reduce light pollution.

LEGISLATOR FOLEY:

Good. All right. Thank you.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved. **(Vote: 6-0)**

1388 Amending the 203 Capital Budget and Program and appropriating funds in connection with the removal of toxic and hazardous materials in county parks (CP 7185). (County Executive) Again, is this a particular park?

COMMISSIONER GORDON:

No. Again, it's – it would be overall in the park system and it's to address asbestos abatement, lead abatement issues. And one of the speakers earlier in talking about the trap and skeet range, we may use a little of this money to do the initial cleanup effort that we we're proposing to do.

CHAIRPERSON FIELDS:

Motion to approve.

LEGISLATOR COOPER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved. **(Vote: 6-0)**

1404 To amend the user fee schedule for Suffolk County Parks. (County Executive)

Okay. I guess here is where we address both of the bills. Okay. Let's go to 1406

1406 To implement RFP Committee process for Concessionaire Program at county parks. (Postal)

LEGISLATOR ALDEN:

Explanation.

COMMISSIONER GORDON:

I had asked – I don't have an explanation, but I had asked Presiding Officer Postal to table this so that I could sit down with members of her staff so that we could have a conversation about what the intention of this was. When in speaking with her staff they seemed to be amiable to that.

CHAIRPERSON FIELDS:

All right. I'll make a motion to appro – a motion to table.

LEGISLATOR NOWICK:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Tabled. **(Vote: 6-0)** Okay. Let's go to 1404. I've had quite a few calls regarding the increase in fees and one in particular is several people throughout Suffolk County are talking about the boat fees and comparing they've added up the percentages of increases saying that we – golf courses are, you know, a couple of point percent, you know, three percent or two percent or one percent, but yet the boating fees are – the increases proposed for 24%. Can you tell me how you looked at increasing the fees? Did you make it fair all the way across the board and say we're going to raise every fee 10%, every fee 3%?

COMMISSIONER GORDON:

We looked at individual fees; we didn't look across the board.

CHAIRPERSON FIELDS:

So then why are the boat owners really the ones that are being targeted for such an increase?

COMMISSIONER GORDON:

Staff recommendation from my staff was that we could go up to this and I think we are comparable to other municipalities. We are much less – it's my understanding we're much lower than what a private marina would be. And I think I said at the last meeting or two meetings ago that we very often get complaints from the private marinas that we are so low. And there's a high demand for the – we do have a waiting list for people to be in the marinas also and this particular fee we're proposing for '04 it's not for the '03 season.

CHAIRPERSON FIELDS:

But it's listed in the '03 resolution.

COMMISSIONER GORDON:

Okay. Because what we need to do we've already collected the money for '03, but we send out the renewal notices in approximately October this year. So we would have to have the fee in place for October.

CHAIRPERSON FIELDS:

But I mean, Counsel –

COMMISSIONER GORDON:

-- we've already finished collecting the fees.

CHAIRPERSON FIELDS:

I know, I know, but I'm asking Counsel, if you're not raising this fee in '03 can it be part of this resolution or does it have to be amended to pull this out and bring it forward for a separate resolution that would say that the Commissioner has recommended revision to the 2004 schedule of fees because the first whereas in this bill talks about this being 2003. It doesn't say anything about 2004 in it.

COMMISSIONER GORDON:

Well, again, we've already collected the fees for '03.

CHAIRPERSON FIELDS:

No. I know, I understand that.

COMMISSIONER GORDON:

And this would take effect as of, you know, whatever date.

MR. SABATINO:

It can be part of the same resolution the only thing in would recommend is that the particular section just have the clause that makes reference to that fee kicking in on or after January 1st of 2004 otherwise you get into an interpretation question of the amendments are being done to 2003. So the way I would do it is you could do it the same resolution it's not a problem, but it's just should specifically say it's kicking in for January 1st of 2004 instead of immediately.

CHAIRPERSON FIELDS:

When would that be listed because, you know, when you look at this if you were looking as a legal document it says, 2003 adopted, 2003 recommended and it's under that.

MR. SABATINO:

Right. That's right after -- there's two ways to do it. One way would be to add another column and just move those numbers over to 2004, but that's one way to do it. The cleaner way to do it I think would be to add an amendment to the fourth resolve clause which says that the recommended fee schedule set forth is taking effect on or after May 1st of 2003. What you would do is you would say (comma) except that whatever the boating fees that you're referring to shall take on or after January 1st of 2004. So really the place to do it would be in the fourth resolve clause.

COMMISSIONER GORDON:

Or could those specific fees be asterisks

CHAIRPERSON FIELDS:

The bill's been filed. My question is we're either passed it out of committee or not. If it's passed out of committee and it's voted on Tuesday then it would be incorrect because it's listing only 2003. So does this get tabled and then a corrected copy I'm asking that's my question.

MR. SABATINO:

Well, there's another change I was going to recommend later on is in the second resolve clause it's kind of odd I'm not sure what -- I'm not sure it was intended, but normally what you say there is that it's going to remain in full force and effect until such time as the fees are amended. But here it says, until such time as it shall be appropriate for the Legislature to do something and that leave it open ended as to who's going to decide what's appropriate or what's not appropriate. The correct language is it should say until such time as the rates are amended.

CHAIRPERSON FIELDS:

I'm going to make a motion to table until those things are corrected.

LEGISLATOR CARPENTER:

On the tabling, it doesn't preclude them from getting all of these changes made and coming with a C/N on Tuesday.

CHAIRPERSON FIELDS:

Right.

COMMISSIONER GORDON:

Could there be a letter that goes along with this to amend it?

CHAIRPERSON FIELDS:

It would have to be filed with the bill, right? I'm just asking the legal --

MR. SABATINO:

-- well, if it's going to be corrected it would just take -- Legislator Carpenter just gave the answer. A certificate of necessity for Tuesday the 13th that would resolve it or if it's -- it could just be done the course it would just be a cover letter saying these are the changes. But I think a C/N should work because you can do that on Tuesday it'll happen sooner the point is it would happen sooner.

LEGISLATOR CARPENTER:

(inaudible)

MR. SABATINO:

Right.

LEGISLATOR CARPENTER:

(inaudible)

COMMISSIONER GORDON:

Okay.

LEGISLATOR ALDEN:

On the motion, I actually feel a lot more comfortable if we looked at any fee amendment and schedules along with the new budget. So I think we start working on that around August and usually up through September it gets, you know, we get the public hearings and things like that. I think right now it would be -- it would behoove us to go into the whole philosophy of, you know, like why the County has certain facilities how we establish the fees and things like that. And you brought up a very valid point that some of the private marinas feel that we're competing against them and that goes back to the very question of why do we have marinas. And certain people if

you're not renting a boat slip you feel that the marina exist for privilege few. If you're renting a boat slip you feel that you pay County taxes and you pay a user fee and therefore, you know, it's fair. So I'm not so sure that, you know, we could just very lightly go and, you know, amend a whole bunch of fees without having that discussion too. And even with the golf fees, you know, where do we fit into the market and why we're putting in a certain price and what we hope to accomplish and things like that. I think that, you know, a broader discussion has to take place rather than just, you know, to try to amend the fees. Now some of them don't kick in until next year. Some of them do kick in.

COMMISSIONER GORDON:

It's just the marina. The marina, the seasonal marina fees are the only ones that would kick in for '04 because we've already collected for '03.

LEGISLATOR ALDEN:

Good. And then, you know, we've posted our golf fees and thinks like that and now as the season starting, you know, we're going amend those so we're going to have complaints from people about that. And they're going to ask questions and I that think we really -- the public deserves us to have that discussion before we go and do any of the amending of the fees. And I think that we have to show a justification whether we're going to lower them or whether we're going to raise them. I think we have to show a justification for even having the facilities and what we're doing with the facilities to educate the public and then go into the as far as establishing the fees. Then we can go into that phase of it what the fees should be. And we quite frankly we should look at all the fees in Suffolk County especially in the Parks Department on how it fits into the budget. I think what happened here was because certain parks, you know, a couple of parks were going to be closed and things like that this really it doesn't look well for us and it boast for more trouble and I think more trouble than we really want to get into. We went through a discussion of revenues and, you know, taxes and things like that last year when we set the budget.

Now this year we're doing a couple of things and it's like haphazard. We close a couple of parks now we're going to raise, you know, a couple of fees without looking at the whole, you know, the whole situation just to get a couple of parks opened and things like that. I think I don't like to do things in a haphazard manner and I think that if we broaden the scope of this we look at all the facilities all the fees and we do that in the budget process I think that's a fairer way to do it because we're going to give notice to the public. They can come down we're going to take their impute on it and then we can go on from there. Whereas under this I think that really right now it just behooves us that last year when we adopted a budget we told people here's what your taxes are going to be. Here's what the expenses from Suffolk County are going to be and then, you know, at the last minute we're telling them no it's a different deal, you know, and I don't like that process.

COMMISSIONER GORDON:

Well, as I commented before also, I didn't -- we didn't look at every fee and just increase across the board. And we did reach out to some of our user groups to get reaction from them and I don't think we would have a lot of complaints by instituting what you have in from of you now. But I also made the comment that I expect it as a result of going through the '04 budget process that with the operating budget I would come back to you with maybe looking at all the fees.

CHAIRPERSON FIELDS:

What's the rush to pass this now and to collect these fees now?

COMMISSIONER GORDON:

Cause I'm concerned about '04. I'm concerned about '04 now.

CHAIRPERSON FIELDS:

So then why wouldn't you look at this for the '04 budget then? If you're concerned about '04 why do we have to look at it twice? Why don't we look at it in a comprehensive fashion when we're looking at the budget with the public impute?

COMMISSIONER GORDON:

Well, as you pointed out Legislator Fields that money that we collect this year we can't use until next year so.

CHAIRPERSON FIELDS:

That's my point.

COMMISSIONER GORDON:

This money we would be collecting this year. When through the operating budget process that money we won't collect until next year.

CHAIRPERSON FIELDS:

But what we're going to do then is tell the public that we're going to raise fees now and then we're going to look at it in a couple of months and we're going to raise them again.

COMMISSIONER GORDON:

But my intention would be not to further increase the ones that we've already raised. Look at the other ones that we didn't raise.

CHAIRPERSON FIELDS:

Legislator Alden.

LEGISLATOR ALDEN:

I just one final point that, you know, it is public perception, you know, we have a little bit of a scandal in that some money was misappropriated and this almost looks like that now we're going to charge the public to make up for the money that was misappropriated and would cause a shortfall. So I think that that's a number of different perspectives and a number of different concerns. I would really feel a lot more comfortable just revisiting like all the fees all at one shot, you know, not the end of the year, but, you know, in the August (inaudible).

COMMISSIONER GORDON:

What about discharging without recommendation, could I ask you to do that?

LEGISLATOR ALDEN:

Well, it needs help anyway so you're going to have to come over with a C/N probably.

COMMISSIONER GORDON:

Okay.

CHAIRPERSON FIELDS:

I'm going to make a motion to approve for the purpose of defeating because I'm really not comfortable with this. I don't know if anyone wants to second me on that.

LEGISLATOR FOLEY:

Second.

LEGISLATOR CARPENTER:

On the motion, I would just suggest that we table this, give them an opportunity to take some of the comments that we've made here today and think about coming back with a C/N on Tuesday. And also my suggestion would be some of these fees that are going up are seasonal and thus should be collecting revenue for now that you have with this on Tuesday or whenever you decided you wanted to move it some comparisons. I mean, I would like and I think it would be helpful to see what like golf courses are getting. What other municipal course are getting for their nine hole rate or whatever category you're looking at raising because I think that when that investigation is done we'll find that for the most part we're charging less. And if we are we're --

COMMISSIONER GORDON:

-- or comparable --

LEGISLATOR CARPENTER:

-- or comparable. So I think if we had that to look at perhaps that would, you know, change how we're approaching this, but I don't know if we should just blanketly defeat this at this point.

CHAIRPERSON FIELDS:

I think one of the thoughts that I had in mind, and it's actually one that the Commissioner has brought up several times, is that when we do raise fees or we look to get more money in the Parks Department just because we're raising 2003 fees that doesn't mean that this money is going to go back to the Parks Department. It's going to go into the general fund so again I don't see the point of a C/N or trying to rush this without really comprehensively examining it to understand where everything came from. Where it's all going and when it can be used.
Legislator Foley.

LEGISLATOR FOLEY:

Yes. I appreciate the Commissioner's efforts here to do things as she believes will in the long term help the help in hiring positions at the Parks Department, but I agree Legislator Alden. Traditionally, when we've reviewed the park fees and fee schedules it's part of the -- our operating budget process. We normally don't do it mid-year. Well, usually we don't. We've had in the past done it that way, but usually we try to do it during the budget process and there is a follow-up resolution early the following year to approve of the fee schedule. But I for one at this point in time will not be supporting a fee scheduling increases.

SPEAKER:

(inaudible)

CHAIRPERSON FIELDS:

Is there -- I don't know -- was there

MS. SCHMIDT:

No tabling motion.

CHAIRPERSON FIELDS:

No tabling motion. I made the motion to approve for the purposes of defeat. I had a second.

LEGISLATOR FOLEY:

I second it.

CHAIRPERSON FIELDS:

But we don't have a tabling motion.

LEGISLATOR ALDEN:

I believe Legislator Carpenter so maybe it wasn't she didn't say it into the microphone, but I believe she did make a motion to table.

LEGISLATOR FOLEY:

She's out of the room.

CHAIRPERSON FIELDS:

Legislator Carpenter. Do we have a second on that tabling motion?

LEGISLATOR FOLEY:

Are you increasing dogs fees by the way or no?

CHAIRPERSON FIELDS:

That's not part of this either, right, the permit for the dog fees? It's not in this, right? Do you know how much that will cost?

COMMISSIONER GORDON:

I don't think at this point we were intending to charge a fee.

CHAIRPERSON FIELDS:

Why not?

COMMISSIONER GORDON:

Because we really weren't doing most of the work. The Town of Huntington was doing it.

LEGISLATOR COOPER:

No. I was hoping the charge a fee of at least \$25 and that was acceptable to the dog owners.

COMMISSIONER GORDON:

Okay. Well, that is not in here and maybe we should -- then we would have to add that.

CHAIRPERSON FIELDS:

If I had know that Jon. I will -- all in favor of tabling? All right I will make a motion to table.

LEGISLATOR ALDEN:

I'll second it.

CHAIRPERSON FIELDS:

You'll second the motion. All in favor? Opposed? Tabled. **(Vote: 6-0)**

LEGISLATOR ALDEN:

On Legislator Cooper's last comment though, Jon, because there's a misconception on that now. Are you going to bring that up at the general session on Tuesday about the \$25 fee?

LEGISLATOR COOPER:

Again, the community will accept a fee. I think there should be a fee.

LEGISLATOR ALDEN:

Well, we're providing above and beyond a type of service.

COMMISSIONER GORDON:

You need to do that I can't do that.

CHAIRPERSON FIELDS:

That should be part of --

COMMISSIONER GORDON:

-- well, we can add it to the fee resolution.

CHAIRPERSON FIELDS:

Absolutely.

LEGISLATOR COOPER:

Well, talk whether it's \$25 or what, but I think \$25 is a good amount.

CHAIRPERSON FIELDS:

Okay. Anything else? Oh, 1350 it is? I will make a motion to approve.

LEGISLATOR FOLEY:

I'll second the motion to approve 1350.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved. **(Vote: 6-0)** I'll make a motion to adjourn. Thank you.

(Having no further business, the meeting was adjourned at 2:35 P.M.)

{ } denotes spelled phonetically)

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